

CONTROL COUNCILLaw No. 52Amendment 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.

SHOICHO DOUGLAS,  
Marshal of the Royal Air Force.

P. KOLNIG,  
General d'Arnee.

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

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"The date of publication is 25 April 1947 at 1800 hours."

COML/P(47)24 Final  
21 April 1947

21 April 1947

CCNL/M(47)9

CONTROL COUNCILMINUTES

of the

Fifty-Ninth Meeting

held in Berlin on 21 April 1947 at 1430 hours.

41. PRESENTATION OF GENERAL DĀSTICH, NEW HEAD OF THE  
CZECHOSLOVAK MILITARY MISSION

Brigadier General Frantisek Dāstich, the new chief of the Czechoslovak Military Mission, was presented to the members of the Control Council,

CONTROL COUNCILDirective No. 49Amendment to Control Council Directive No. 43Procedure for the Issue to German Civilians of Single Round-Trip Interzonal Passes for a Journey Outside the Zone for Purposes of Interzonal Trade

The Control Council directs that Directive No. 43 should be amended as follows:

(a) Paragraph 2, Section I - is replaced by the following:

"One-trip pass may be issued on the basis of the conditions mentioned below, without preliminary sanction of the Commanding Authorities of the zone to be visited. The pass is to be issued for a period not exceeding thirty days, except that a fifteen days' emergency extension may be granted by the authorities of the zone which is visited."

(b) Paragraph 1 of Section II, 1st Subparagraph is replaced by the following:

"One-trip interzonal passes will be issued in accordance with the established procedure provided for in this Directive to persons engaged in any legitimate business enterprise, e.g., trade, industry, agriculture, etc., requiring them to visit another zone; to persons who, for urgent private reasons, must visit another zone; to those who are sent by the occupying authorities on missions to the Military Government of another zone; and to persons engaged in cultural activities requiring a visit to another zone."

Done at Berlin on 23 April 1947.

F. A. KEATING  
Major General

B. H. ROBERTSON  
Lieutenant General

R. NOIRET  
General de Division

P. A. KUROCHKIN  
Colonel General

CORC/P(47)96 Final  
23 April 1947

COORDINATING COMMITTEEValuation of Platinum in Degussa Plant No. 2008

(Note by the Allied Secretariat)

1. The Coordinating Committee at 98th, 99th and 110th Meetings considered the above subject but was unable to reach agreement. The matter was referred to the Reparations, Deliveries and Restitution Directorate with instructions to prepare recommendations to the Coordinating Committee in consultation with the Legal and Finance Directorates.
2. The Reparations, Deliveries and Restitution Directorate considered the opinions of the Legal and Finance Directorates at its 64th Meeting on 8 April 1947. Agreement was reached that invoice prices should be used for the 56.484 kg. of platinum for which invoices existed. The agreed valuation was established at 4.285 RM per gram.
3. Concerning the valuation of the remaining 54.977 kg. of platinum for which no invoices existed, no agreement was reached. The following points of view were expressed:
  - a. The Soviet Member considered that the valuation should be based on the Hamburg Stock Exchange quotation of 31 December 1938, amounting to 3.07 RM per gram, plus the manufacturing costs of the platinum into anodes.
  - b. The French Member considered that the average valuation of 4.285 RM per gram should be used for the entire amount of platinum. This valuation should apply not only to the 56.484 kg. for which invoices existed but also to the 54.977 kg. for which no invoices existed since the prices had been established by comparison in accordance with the approved procedure for valuation.
4. The Directorate agreed to discuss the valuation of the 54.977 kg. lot at its next meeting. This paper is submitted for the

information of the Coordinating Committee at its 119th meeting  
on 23 April 1947.\*)

H. A. GERHARDT, Colonel

R. C. RAW

J. M. LOIRET, Lieutenant Colonel

N. D. KOSTENKO, Lieutenant Colonel

Allied Secretariat

.COPC/P(47)104

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\*) see page 19

24 April 1947

CORC/M(47)23

COORDINATING COMMITTEEMINUTES

of the

One Hundred and Nineteenth Meeting

held in Berlin on 23 April 1947 at 1430 hours

224. VALUATION OF PLATINUM IN DECUSA PLANT NO. 2008

The Meeting considered CORC/P(47)104.

THE MEETING:

(224) agreed to set the price of the as yet unevaluated 54.977 kilograms of platinum (for which no invoices had been found) at 4.285 RM per gram (the price fixed by the Directorate of Reparations, Deliveries, and Restitution for that portion of the platinum for which invoices were available)..

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COORDINATING COMMITTEEIntroduction of Double Summer Time

(Rote by the Allied Secretariat)

1. The Coordinating Committee at its 118th Meeting on 18 April 1947 agreed to refer the question of the adoption of double summer time to the Directorate of Internal Affairs and Communications with instructions to report their recommendations to the Coordinating Committee prior to 23 April 1947.

2. The Directorate of Internal Affairs and Communications discussed this subject at its 69th Meeting on 22 April 1947 and agreed to recommend to the Coordinating Committee that double summer time be introduced throughout Germany, the change to take place on Sunday, 11 May 1947 at 0300 hours.

3. This paper is submitted for the consideration of the Coordinating Committee at its 119th Meeting on 23 April 1947 under "Any Other Business."\*)

H. A. CEFLEPDT, Colonel

R. G. RAY

J. M. LOIRET, Lieutenant Colonel

N. D. KOSTENKO, Lieutenant Colonel

CCRC/P(47)107

\*) see page 21

24 April 1947

CORC/M(47)23

COORDINATING COMMITTEEMINUTES

of the

One Hundred and Nineteenth Meeting

held in Berlin on 23 April 1947 at 1430 hours

228. INTRODUCTION OF DOUBLE SUMMER-TIME

The Meeting considered CORC/P(47)107.

THE MEETING:

(228) instructed the Internal Affairs and Communications Directorate to place Germany on double summer-time on Sunday, 11 May 1947, at 0300 hours by advancing all clocks one hour.

CONTROL COUNCILDirective No. 50Disposition of Property Having Belonged to Organizations  
Listed in Control Council Proclamation No. 2 and Control  
Council Law No. 2

The Control Council, in accordance with Section I of Control Council Proclamation No. 2 and Control Council Law No. 2, directs as follows: -

ARTICLE I

Except as provided by Article IX of this directive, all property in Germany of whatever nature having belonged to the Nazi organizations and to the military and para-military organizations referred to in Section I of Control Council Proclamation No. 2 and Article I and the Appendix to Control Council Law No. 2 shall be disposed of as provided by this directive.

ARTICLE II

1. Title to property not subject to disposal or use under Article VIII having belonged to a trade union, cooperative, political party or any other democratic organization before it became the property of any organization referred to in Article I hereof, shall be retransferred to such organization provided that it is authorized and its activities are approved by the appropriate Zone Commander.

2. Where retransfer of title to property cannot be made because no existing organization is completely identical with the organization which was the former owner of the property, title to such property shall be transferred to a new organization or organizations whose aims are found by the Zone Commander to be similar to those of the former organization.

ARTICLE III

Property, not subject to disposal or use under Article VIII formerly devoted to relief, charitable, religious or humanitarian purposes, shall be disposed of or used so as to preserve its former character if consonant with democratic principles and shall be transferred to the organization or organizations formerly holding title thereto or to a new organization or organizations provided, in the latter case, that the Zone Commander finds that the aims

and the purposes of the new organization or organizations are similar to those of the old organization and conform to the principle of the democratization of Germany, or shall, at the discretion of the Zone Commander, be transferred to the Laender or Provinces subject to the same conditions with respect to disposition or use.

ARTICLE IV

Property transferred in accordance with Articles II and III above shall be transferred without charge except that the Zone Commanders may, within their discretion, require the transferee to pay or to assume liability for any or all debts or for any accretion in value of the property in accordance with the same principles as are established in the case of property subject to restitution within Germany to victims of Nazi persecution.

ARTICLE V

1. Title to property not subject to disposal or use under Article VIII or to restoration or transfer pursuant to the provisions of Articles II and III hereof, or which is rejected by organizations referred to in Articles II and III hereof, shall be transferred by the Zone Commander on behalf of the Allied Control Authority to the Government of the Land or Province in which it is located.

2. The government of the Land or Province may hold and use the property or transfer its use to any administrative district (Kreis or Bezirk) or to a municipality (Gemeinde) within its jurisdiction. The use to which the property is put must fall within the competence of the holder or the transferee and must not be in the opinion of the Zone Commander an improper use of the property.

3. The government of the Land or Province where the property is situated shall, pursuant to this directive and to the regulations of the Zone Commander, sell any property not held and used in accordance with paragraph 2 of this Article. The net proceeds of any such sale shall be accounted for in the budget of the Land or Province concerned.

*[property was potential or subject to restitution]*

*[property belonging to trade unions, cooperatives, or political party - to be retransferred to new organization of similar aim]*

*[property devoted to relief, charity, etc.]*

4. The government of the Land or Province shall, regardless of whether it holds, transfers, or sells the property in accordance with the provisions of this Article, remain responsible for insuring that the property is not used for any purpose which the Zone Commander finds to be inappropriate.

5. Specific charges and encumbrances, whether incurred prior or subsequent to confiscation under Control Council Law No. 2, on properties transferred under this Article shall devolve on the receiving Land or Province up to an amount not exceeding the value of the property transferred.

6. A Land or Province shall accept a contingent liability for such of the debts of any organization whose property it receives under this Article as are ultimately determined to be payable under principles to be established by the Allied Control Authority. This liability shall never exceed the value of the property received by the Land or Province from the said organization, taking into account any encumbrances on that property. The debts to be paid by the Land or Province under this paragraph shall include only the balance which remains after all other funds of the organization have been utilized in the payment of its debts. Such balance of indebtedness shall be distributed amongst all Laender and Provinces proportionately to the value of the property of such organization received by each Land or Province, but it shall not be required that this liability shall be discharged until further directions shall have been issued by the Allied Control Authority, nor that any debt shall be discharged in violation of any principle established by the Allied Control Authority and particularly debts shall not be paid in such manner as to compensate the supporters of the Nazi party and regime.

#### ARTICLE VI

Zone Commanders, and in Berlin, Sector Commanders, shall take measures to ensure the disposition and the use of the property in accordance with this Directive,

#### ARTICLE VII

Title to property located in Berlin will be transferred to the administrative districts (Verwaltungsbezirke) and be disposed of according to the same principles as are herein

prescribed for property in the rest of Germany. For this purpose, the powers given to Zone Commanders in regard to property in other parts of Germany will in Berlin be exercised by the respective Sector Commanders. The functions, powers and liabilities placed upon the government of a Land or Province in regard to property in other parts of Germany will in regard to property in Berlin devolve upon the respective administrative districts, (Verwaltungsbezirke) .

#### ARTICLE VIII

1. The Zone Commander shall destroy property subject to being destroyed as war potential, designate for reparations property subject to reparations, use for the purposes of occupation property subject to such USE and restitute,

- a. to the government concerned, property subject to restitution under the Allied Control Authority definition of restitution,
- b. property of victims of Nazi persecution;

in the same way as similar property which is not the property of any organizations referred to in Article I hereof.

2. In order to accomplish the purposes of this Article, the Zone Commander may, at any time, set aside or modify any transactions or measures with respect to property transferred pursuant to this Directive, which he deems inconsistent with the purpose and spirit of this Directive,

#### ARTICLE IX

The following categories of property are exempt from the operation of this Directive :-

- (1) securities, cash accounts and monetary claims of the organizations referred to in Article I; these properties shall remain blocked until further decision of the Allied Control Authority;
- (2) property formerly owned by enemy, other than German, nationals or organizations;

- (3) property of the Reich, including property of Reich organizations; covered by Section I of Proclamation No. 2;
- (4) property of insurance companies connected with the Deutsche Arbeitsfront.

ARTICLE X

This directive shall come into force on the day of its signature.

Done at Berlin on 29 April 1947.

F. A. FEATING  
Major General

N. C. D. BROWNJOHN  
Major General  
for B. H. ROBERTSON

P. NOIRET  
Major General

P. A. KUROCHKIN  
Colonel General

CORC/P(46)281 Final  
29 April 1947

CONTROL COUNCILDirective No. 51Legislative and Other Acts of the Control Council

The Control Council directs as follows:

1. Legislative action of the Control Council shall be in one of the following forms:

- a. Proclamations: To be issued to announce to the German people matters or acts of especial importance.
- b. Laws: To be enacted to deal with important matters of wide scope, of permanent or temporary application, or to repeal, amend or suspend existing legislation; they are, as a general rule, obligatory on all persons residing in Germany.
- c. Orders: To be issued to deal with matters of limited application or of a transitory nature; they are, as a general rule, obligatory on all persons residing in Germany.

2. The only legislative acts which may contain penalty clauses are Laws and Orders. However, Directives may prescribe penalties to be adopted by the Zone Commanders in the implementing measures which they promulgate. When a Law or Order contains a penalty clause it shall, when possible, specify the range of penalties. In preparing, pursuant to Control Council Directive No. 13, proposed laws or Orders, the initiating Directorate, other than the Legal Directorate, shall include a statement as to their views regarding the proper range of penalties. Such a statement shall not, however, foreclose the Legal Directorate from independent consideration of the matter.

3. In drafting legislative proposals pursuant to Directive No. 13, the Legal Directorate, unless otherwise directed by the Coordinating Committee or the Control Council, shall determine the classification to be given to the paper. The Legal Directorate shall take into account any views expressed by the initiating Directorate but shall not be bound thereby.

4. Besides the legislative acts enumerated in paragraph 1 the Control Council in order to announce their decisions may issue Directives and "Approved Papers" which are not legislative acts.

5. Directives may be issued to express policy or administrative decisions of the Control Council; they are not binding on the population of Germany as a whole, but only on those to whom they are addressed.

6. Methods of Signing of the Control Council.

- a. Proclamations and Laws shall be signed by the members of the Control Council.
- b. Orders shall be signed by the members of the Control Council or by the members of the Coordinating Committee.
- c. Directives shall be signed by the members of the Coordinating Committee.
- d. In the absence of any member of the Control Council or of the Coordinating Committee, his deputy may sign on his behalf.

7. Every decision of the Control Council shall bear at the beginning the words "Control Council" and shall be designated a "Proclamation", "Law", "Order", "Directive" or "Approved Paper" with the serial number thereof and the title thereof, concise when practicable. Legislative action shall show at the end an effective date.

8. The Chief Secretary, or any assistant authorized by him, may certify the correctness and issue a true copy of any Proclamation, Law, Order, Directive or Approved Paper or any part thereof and, in addition, an extract of the minutes of the meeting at which the document was approved in whole or in part.

9. This Directive repeals and replaces Control Council Directive No. 10 dated 22 September 1945. It shall become effective on 1 May 1947.

Done at Berlin on 29 April 1947.

F. A. KEATING  
Major General

N. C. D. BROWNJOHN,  
Major General  
for B. H. ROBERTSON  
Lieutenant General

P. NOIRET,  
Major General

P. A. KUROCHKIN,  
Colonel General

CORC/P(47)86 Final  
29 April 1947

COORDINATING COMMITTEEExchange of Parcels Between Berlin and the  
Zones of Occupation

(Note by the Allied Secretariat)

1. The Coordinating Committee, at its 116th Meeting on 2 April 1947, considered a paper on the above subject and agreed in principle that the exchange of parcels between Berlin and the zones of occupation was desirable and authorized.

2. The Committee further agreed to instruct the Directorate of Internal Affairs and Communications in consultation with the Economic Directorate to draw up regulations covering postal service for the exchange of parcels between Berlin and the zones of occupation.

3. The Directorate of Internal Affairs and Communications, at its 68th meeting on 17 April 1947 approved with minor amendments the draft regulation which incorporated the recommendations of the Economic Directorate. (Attached at appendix "A")

4. This paper is submitted for the consideration of the Coordinating Committee at its 120th Meeting on 28 April 1947 under "Any Other Business".

H. A. GERHARDT, Colonel

F. G. RAY

J. M. LOIRET, Lieutenant Colonel

N. D. KOSTENKO, Lieutenant Colonel

Allied Secretariat

CORC/P(47)84/1

COORDINATING COMMITTEEExchange of Parcels Between Berlin and the Zones of Occupation

The Service of small packets and parcels between the City of Berlin and all zones of occupation in Germany will be opened on the 15 May 1947, subject to the following conditions:

1. Weight and Size Limitations:

Small packets will be accepted up to 2 kilograms in weight and 90 cm in length, width and height combined, the greatest length not to exceed 60 cm.

Parcels will be accepted up to 7 kilograms in weight and 180 cm in length and girth combined, the greatest length not to exceed 90 cm.

2. Other Limitations:

Only ordinary parcels and ordinary and registered small packets will be accepted.

fore, at present, Express,  
Declared Value,  
Urgent,  
Cash on Delivery  
and Insured parcels and small packets are not  
admitted.

A separate Dispatch Note will be required for each parcel.

3. Rates:

The following rates will apply, these being double the pre-occupation rates in accordance with the established policy:

Small packets: 80 Rpf for all destinations within Germany.

Parcel Post:	1. Zone to 75 km	2. Zone 75 to 150 km	3. Zone 150 to 375 km	4. Zone 375 to 750 km	5. Zone over 750 km
up to 5 kilos	-.60 RM	-.80 RM	1.20 RM	1.20 RM	1.20 RM
5 to 6 kilos	-.70 RM	1.00 RM	1.60 RM	1.80 RM	2.00 RM
6 to 7 kilos	-.80 RM	1.20 RM	2.00 RM	2.40 RM	2.80 RM

#### 4. Addresses on Small packets and parcels:

Senders should, if possible, indicate the complete data in the address of the parcel or packet, including :

1. Full name of addressee
2. City or locality
3. Street and number
4. Province
5. Postleitgebiet number
6. Zone of occupation

Note: Items 4 and 6 do not apply to parcels or packets addressed to the City of Berlin,

Parcels or packets addressed "Poste Restante" are not permitted.

Parcels or packets addressed to a Post Office Box should bear the full name of the holder of the box,

#### 5. Prohibitions:

- 5.1. Articles prohibited by German Postal Laws and Regulations will not be permitted.
- 5.2. No money, valuable papers, newspapers, or correspondence except invoices describing or pertaining to the contents of the parcel or packet may be enclosed, nor may written messages other than those necessary for postal purposes be placed on the wrapper of the parcel or packet. There should be no written message on the Dispatch Note.
- 5.3. The exchange of parcels and small packets between Berlin and all the Zones of Occupation shall be subject to the same restrictions, as to the nature of articles, that may be imposed on parcels and small packets exchanged in interzonal postal service.

#### 6. Penalties:

Packets or parcels violating these regulations will be subject to confiscation.

7. Censorship:

All packets and parcels are liable to censorship examination.

8. Changes in Regulations:

If necessary, depending on circumstances, these regulations may be changed by the Allied Communications and Posts Committee.

9. Routing: (Note: This is for the information of the German Zonal Postal Administrations only)

Initially, small packets and parcels will be sent in accordance with the routings and exchange points which have been established for interzonal postal correspondence.

Appendix "A" to  
CORC/P(47)84/1

Approved at Berlin 29 April 1947

Directive No. 52

Combatting Venereal Disease

THE CONTROL COUNCIL, disturbed by the increased incidence of cases of venereal disease and convinced that one of the causes of this increase lies in the ineffectiveness of the German law at present in force, DIRECTS AS FOLLOWS:

1. The Zone Commanders will require the examination of existing legislation for the control of venereal disease among the German population. Particular attention will be directed to the following:

- (a) To determine whether the laws and decrees dealing with the instruction of the people on the control of venereal disease are adequate.
- (b) To achieve uniformity in the detection of cases of venereal disease, the compulsory declaration of such cases to the appropriate authorities and the establishment of Isolation Wards for the treatment of such cases.

2. The draft law on Venereal Disease and the two draft Directives attached as Appendices "A", "B" and "C", constitute the policy of the Allies in this matter. They are issued for the guidance of Zone Commanders in order to make possible uniform control measures throughout the Zones.

3. Zone Commanders will encourage the enactment of legislation in their Zones as nearly in conformity with the attached Appendices as possible.

Done at Berlin on 7 May 1947

B. H. ROBERTSON,  
Lieutenant General

C. BAPST,  
General de Brigade  
for P. NOIRET,  
Major General

M. I. DRATVIN,  
Lieutenant General  
for P. A. KUROCHKIN,  
Colonel General

F. A. HEATING  
Major General

Draft Law  
Relative to Combatting Venereal Diseases

Preamble

The Control Council, taking into consideration the increasing incidence of Venereal Disease among the German population, and in the interests of health conditions in Germany, issues the present "Law Relative to the Combatting of Venereal Diseases in Germany", which provides for a uniform plan and procedure in all the Zones of Occupation in Germany. This Law will be the Legal basis of all measures for combatting venereal diseases among the population of Germany.

- Article I            This Law abrogates and replaces the German Law of 18th February 1927 and all its subsequent additions and implementing decrees.
- Article II            The venereal diseases with which this Law is concerned are syphilis, gonorrhoea, soft sore and the Nicolas Favre disease. (Lymphogranuloma venereum et lymphopathia venereum)
- Article III          1. All legal and administrative measures, as well as institutions and officials, for the implementation of this Law will be defined by the Allied Control Authorities in Germany as a whole, and by the Zonal authorities in each particular Zone.
2. The Health Authorities as referred to in this Law are the Public Health Authorities (Gesundheitsaenter).
3. The Health Authorities competent to receive the Declarations and to apply the measures provided for by this Law are represented in each Kreis by the Amtsarzt.
- Article IV            It is the responsibility of any person knowingly infected with a venereal disease, or by reason of circumstances suspecting himself to be so infected:

- (a) to have himself examined and treated by a licensed physician until fully cured;
- (b) to refrain from sexual intercourse until permission to resume it is received from the treating physician.

Where facilities for special treatment have been set up treatment will be carried out in these institutions and by staff, according to prevalent decrees; Relatives or other responsible persons are obliged to guarantee this examination and treatment for the minors or mentally deficient in their care.

#### Article V

Any pregnant woman who might transmit syphilis congenitally either because she herself is infected with syphilis, or because of known syphilis in the procreator, is obliged to take the same measures, as enumerated in Article IV.

#### Article VI

1. The treatment of venereal diseases may only be carried out by licensed, registered physicians, and such treatment must be in accordance with standards determined by the Public Health Authorities.

2. It is forbidden:

- (a) to treat venereal disease in any way *except* after examination of the person concerned;
- (b) to give advice for self-treatment whether by correspondence, lectures, pamphlets, illustrations or statements.

3. Any person contravening one of the provisions of paragraphs 1 and 2 or who, either publicly or by dissemination of pamphlets, illustrations or statements, suggests a form of treatment, even though disguised, shall be punished by a period of imprisonment not exceeding one year and a fine, or by one or other of these penalties.

4. The same penalty shall apply to any physician who unlawfully offers to treat any of the diseases referred to in Article II.

5. Lectures, illustrations and statements with the sole object of giving the public information on venereal diseases, more particularly on their symptoms, shall be permitted, insofar as they do not conflict with the provisions of this Article.

#### Article VII

Any physician who examines or cares for a person of either sex infected with a venereal disease must warn the patient of:

- (1) the kind of disease with which the person is infected;
- (2) the risk of spreading infection to others;
- (3) the duties imposed on the patient by this Law, especially Articles IV and V;
- (4) the sanctions prescribed and defined in Articles XII, XIV, XV, XVIII, XIX, and XX of this Law.

The patient; will sign a statement to the effect that he has been notified of the above mentioned obligations, that he fully understands them, and that he intends to submit to treatment. If it is a question of a minor or any other irresponsible, the relative or other responsible persons will be advised and will sign the above mentioned statement on behalf of the interested party, In cases involving minors the requirement that notification be given to a responsible person and that such, person sign the above mentioned statement may be waived if the treating physician considers that this requirement will discourage the patient from applying for or continuing medical treatment,

The submission by the treating physician of a Declaration of Venereal Disease to the Health Authorities is compulsory. Detailed instructions concerning such Declarations will be published in Decrees. In the cases laid down in Articles IX and X it is made in the form of a "Simple Declaration" or a "Declaration with Name"

- (a) The Simple Declaration includes the diagnosis of the disease. The name of the patient does not appear; it is replaced by a code number.
- (b) The Declaration with Name includes at the same time with the diagnosis of the disease, the name and address of the patient.

#### Article IX

A Simple Declaration is compulsory for all cases of venereal disease, whether it is a case diagnosed for the first time or a case already declared by another physician or a recidivism of a disease having already been the subject of one or more declarations.

#### Article X

The Declaration with Name of venereal disease is compulsory when:

- (1) the patient refuses to begin the prescribed treatment;
- (2) the patient refuses to continue with the treatment;
- (3) the patient has contaminated or is suspected of having contaminated a member of the Occupation Forces, or has been contaminated by a member of the Occupation Forces.
- (4) the physician considers that the patient is leading a promiscuous sexual life, whether as a prostitute or not, or is changing his sexual partners often, or presents to one or more other persons real risks of contagion by his profession or his mode of Life.

#### Article XI

All physicians, upon diagnosing a new case of venereal disease, will make every effort to obtain from the patient the maximum useful information toward identifying and tracing the alleged source and also sexual contacts that may have been infected by the patient. Such information will be sent to the Public Health Authorities without delay. The Public Health Authorities will then immediately take all necessary steps to induce the alleged source, and all sexual contacts who may have been infected, to submit to a medical examination and, if necessary, to compulsory treatment.

## Article XIII

Any person reported to the Public Health Authorities under the provisions of Article XI will be directed by those Authorities to arrange for a medical certificate to be furnished on his behalf within a specified period. This certificate must be furnished by a qualified Venereal Specialist, recognized by the Public Health Authorities for this purpose. The Certificate will contain the results of the medical examination, together with recommendations regarding treatment and hospitalization if necessary.

This certificate will be sent by the specialist to the Public Health Authorities who called for the examination.

In all cases where the report of the examination appears inconclusive, the Public Health Authorities shall order such further tests as may be considered necessary and shall determine whether hospitalization should be enforced.

In their notification, the Public Health Authorities will inform the suspected or infected person that he can have himself examined free of charge and can have the necessary certificate drawn up and sent to the Public Health Authorities.

When the person designated by the patient as the alleged source of infection is a member of the Occupation Forces, the physician will furnish his name or all information for identification which he has been able to obtain together with the Nominal Declaration of the infected person according to Article II(3) to his own Public Health Authorities who will forward the report to the appropriate Allied Health Authorities who alone may trace and treat him.

## Article XIV

The immediate hospitalization of persons infected with venereal disease will be recommended without delay by the treating physician at the same time that he forwards a Nominal Declaration to the Public Health Authorities in the following cases:

- (1) the patient is leading a promiscuous sexual life whether as a prostitute or not

- (2) the patient is the subject of a complaint of infection brought by a member of the Occupation Forces
- (3) the patient has infected, or is suspected of having infected, a member of the Occupation Forces.

## Article XV

The Public Health Authorities will order the immediate apprehension and compulsory hospitalization and treatment:

- (1) of all persons coming under the provisions of Articles X, XI and XII who fail or refuse to submit to examination or to begin or continue treatment;
- (2) whenever a request is made to the Public Health Authorities by the physician, whenever he considers that the patient might expose one or more other individuals to actual risk of infection owing to the patient's profession or to his mode of life.

## Article XVI

Any physician who fails to comply with the provisions of Articles VII, IX and XI will be liable to a fine of RM 1000 to RM 3000. Any physician who fails to comply with the provisions of Articles II, XIV and XV will be liable to a fine of RM 1000 to RM 3000 and to suspension of permission to exercise his profession for a period of six months to two years.

## Article XVII

- (a) No person hospitalized in accordance with this law will be allowed to leave the hospital or clinic even for the shortest time until examination has definitely shown that the person no longer presents any risk of transmitting the disease to others. The confirmation of the results of such examination must be signed by the responsible physician. For any infraction of these provisions the patient will be liable to a fine of RM 1000 to RM 3000 and to imprisonment for a period of one month to one year. Criminal proceedings will not be instituted against patients who, in case of dire emergency, are released temporarily from hospitals, clinics or isolation

wards with the permission of the chief physician of the establishment.

- (b) A fine of RM 1000 to RM 3000 or suspension of permission to exercise his profession for a period of six months to two years will be imposed on any physician who authorizes the discharge of a patient hospitalized for venereal disease without previously having taken all the tests standard at the time to confirm the fact that he no longer presents any risk of transmitting the disease to others, with the exception of the temporary release of patients in cases of dire emergency.
- (c) A fine of RM 1000 to 3000 and imprisonment for a period of six months to two years will be imposed on any physician who shall have, knowingly and wilfully, issued a certificate in flagrant contradiction to the condition of the infected person examined.

Article XVIII The competent German authorities are empowered, upon recommendation of the Public Health Authorities, to return to their place of permanent residence anywhere in Germany, any person who has been hospitalized under the provisions of Article XV, as leading a promiscuous sexual life, whether a prostitute or not, after such person has been treated and released as non-infectious. The Public Health Authorities for the area in which the patient is apprehended and treated will furnish the Public Health Authorities of the area to which the patient is returned, a statement giving the diagnosis, the treatment that has been carried out, and recommendations as to further treatment required.

Article XIX 1. Any person knowing or having grounds to believe that in the light of circumstances he or she is infected by a venereal disease in an infectious stage who has intimate intercourse with another, shall be punished by imprisonment for a period not exceeding three years, unless a heavier penalty be provided for in the provisions of the Penal Code.

2. Applications for initiation of criminal proceedings will be made primarily to the Public Health Authorities who will forward them to the Public Prosecutor together with all necessary evidence that may be available. The decision of the Public Prosecutor in the matter is final. This does not debar the individual applicant from lodging a complaint with the Public Prosecutor in cases where the Health Authorities fail to file an application on his original complaint.

3. Application to the Public Health Authorities must be made within six months of the date of the alleged offence.

#### Article XX

Imprisonment for a period not exceeding one year and a fine, one or the other of these penalties, shall be imposed in the case of:

- (1) any woman suckling a healthy child knowing herself to be infected by a venereal disease;
- (2) any person being in charge of a syphilitic child, who is aware, or should in the circumstances be aware, of the disease from which the child is suffering, and who permits such child to be suckled by a person other than its mother;
- (3) any person allowing a child being under his or her charge and which is infected by a venereal disease, to be suckled by a person other than its mother without causing this person to be informed through a physician of the disease from which the child is suffering and of the necessary precautions to be taken, and who is aware or should in the circumstances be aware of the disease from which the child is suffering;
- (4) a person who, although he knows of the disease, or ought in the circumstances to have assumed it, boards out a child suffering from venereal disease without informing the foster parents of the child's disease.

The wet-nursing, or the allowing of the wet-nursing, of a syphilitic child by a person who herself suffers from syphilis is not a punishable offence.

## Article XXI

The following persons shall be liable to a fine not exceeding RM 1000 or imprisonment:

- (1) any wet nurse suckling a child without being in possession of a medical certificate issued immediately before taking up her duties to the effect that she is not suffering from any venereal disease;
- (2) any person engaging a nurse for suckling a child without having ascertained that the said nurse is in possession of a certificate referred to in sub-paragraph 1;
- (3) any person who, except in cases of emergency, causes a child in his or her charge to be suckled by a person other than the child's mother without previously being in possession of a medical certificate to the effect that no danger to the nurse's health exists.

## Article XXII

1. Venereal disease patients who are not subject to legal health insurance regulations, who have no other means of treatment, and who are not financially in a position to bear the cost of treatment themselves, may, on an application made by their own physician to the Public Health Authorities, obtain free treatment at the cost of the Land Government.

2. Determination of financial inability of the person to pay for treatment and care will be made by the appropriate Public Welfare Authorities in cooperation with the Public Health Authorities.

## Article XXIII

1. All licensed registered physicians are qualified to give treatment to patients referred to in Article XXII with the approval and under the direction of the Public Health Authorities.

2. In the cases provided in Article XXIII the physician must immediately start the treatment without waiting for the decision of the Public Health Authorities. In this case he shall immediately forward to the Public Health Authorities the application for free medical treatment

and at the same time report that he has started treating the patient (model 1). If the application is refused, the cost of the treatment shall be borne by the Land until the physician has been notified that the application has been refused. When the treatment is finished, the physician shall send to the Public Health Authorities a report of termination of treatment (model 2).

#### Article XXIV

1. The competent authorities for taking the measures provided for in this law are the Allied Authorities and, under the direction, the Public Health Authorities enumerated in Article III, within whose jurisdiction the suspected propagation of a venereal disease by the person infected or suspected of being infected, is detected.
2. The Public Health Authorities, in the implementation of the sanitary and social welfare measures of this Law, must work in close collaboration with the public welfare authorities, other public bodies concerned and the authorities responsible for the public order.
3. In cases where the Public Health Authorities ordain, by virtue of Articles XII, XIV and XV of this Law that a person infected or suspected of being infected with venereal disease must have a medical certificate of health forwarded by the examining physician or submit to a medical examination or to treatment in a hospital, then the costs of the examination, of the certificate, of the treatment, and of the period in hospital will be borne by the Land, including the costs of removal to the hospital, if the infected person, or the person suspected of the disease cannot himself bear the costs, entirely or in part, or if the costs are not being covered by a third party. The same will apply in the case where infected persons, or persons suspected of the disease, submit voluntarily to these measures in agreement with the Public Health Authorities.

#### Article XXV

1. Any civil servant or employee of the Public Health Authorities who unauthorizedly discloses what he has learned in his official capacity regarding the venereal disease of another person or its source or regarding

other personal affairs of the man or woman involved, shall be punished with a fine or imprisonment up to one year,

2. Prosecution may only be commenced on application, Application can be made also by the Public Health Authorities,

3. Disclosure is not unauthorized if it is made by a physician acting for the Public Health Authorities or with the consent of such physician to an authority or individual who has a legitimate interest, for reasons of health, in being informed about the venereal disease of another person.

Article XXVI           The regulations for the execution of this Law are fixed by decree.

Article XXVII           This Law shall come into force on \_\_\_\_\_

Model 1

(relating to Article XXIII of the Law for Combatting Venereal Diseases in Germany)

Confidential

To: The Public Health Authority .....

REQUEST

for free treatment of Venereal Disease

1. Name .....  
(name and Christian names, and maiden name in the case of women)
2. Occupation .....
3. Born ..... at .....  
District:  
Bomicile: Street:  
Postal District: District:
4. Single, married, widower, divorced, separated.
5. Member of the Sick Insurance Scheme ..... at .....
6. Type of Disease: \*  
Syphilis I, Syphilis II - (treated - non-treated), Syphilis III,  
latent Syphilis, congenital syphilis, soft sore, gonorrhoea,  
(acute - chronic).

Diagnosis in syphilitic cases:

spirochaete	positive - negative
Wassermann test	positive - negative

In Gonorrhoea cases:

	Specimen Co:	positive - negative
Urethra	" "	" "
Cervical	" "	" "
Rectum	" "	" "
Barth Glands	" "	" "

7. Nature of Treatment (brief indication of the prescribed treatment).
8. Brief observations on the personal and economic position of the patient.
9. Beginning of treatment on the ..... (date)  
.....the ..... 19..  
.....  
(Signature and seal of the physician).

\* Underline that which exists or has been done. Delete examinations which have not been made.

Model 2

(relating to Article XXIII of the Law for Combatting Venereal Diseases in Germany)

Confidential

FINAL REPORT

on the treatment consequent upon a case of venereal disease

- 1. Name .....  
(Name and Christian names - married women to state their maiden name)
- 2. Born ..... at .....  
District: .....  
Domicile: ..... Street: .....  
District: ..... District: .....
- 3. Classification of disease: \*  
Syphilis I, Syphilis II (treated - non-treated), Syphilis III, Latent Syphilis, Hereditary Syphilis, Soft Sore, Gonorrhoea, acute, chronic. Microscopic examination of gonococci.  
  
Urethra, gonococci specimen, positive, negative.  
Neck " " " "  
Rectum " " " "  
Bartholin glands " " " "
- Reaction Test yes - no - when? .....  
Result: .....
- 4. Type of treatment: ambulatory, clinical, hospitalized in clinic at ..... from ..... until .....  
Medicines used for Syphilis (i.e. neosalvarsan, Bismogenal and the li State the strength of treatment .....  
Total quantity administered ..... (grams)  
In gonorrhoeal cases- type of treatment - (pencils, washes, Uliron, et .....  
.....
- 5. Result of treatment of Syphilis .....  
Wassermann test ..... positive - negative
- 6. Is a subsequent examination or placing under observation by the Health Office (anti-V.D. dispensary) desirable? yes - no  
If yes, in ..... months.
- 7. General remarks .....  
..... the ..... 19..

(Signature and seal of physician giving treatment)

\* Underline that which exists or has been done. Strike out the examinations which have not been made.

Appendix BDRAFT DIRECTIVE ON THE ENFORCEMENT OF THE LAW RELATIVE TO  
COMBATING VENEREAL DISEASE

The Control Council directs as follows:

- Article I** Standard Declaration Forms (as per Annexure attached hereto) will be used throughout the four Occupation Zones of Germany for the reporting of venereal disease cases by physicians, clinics, hospitals and other institutions treating such cases. The provisions of Articles IX, X and XI of the "Law of \_\_\_\_\_ Relative to Combatting Venereal Disease", as further explained in this Directive, will be adhered to in the preparation and use of these Forms.
- Article II**
1. For the enforcement of Article I of this Directive all the special establishments for treating venereal disease and all physicians will be issued, free of charge, numbered counterfoil books, the sheets also being numbered. Each sheet of the book shall consist of the counterfoil and a detachable sheet.
  2. On the counterfoil the physician will enter the following particulars:
    - a. Diagnosis;
    - b. Name, address and profession of patient;
    - c. Date on which Declaration is made;
    - d. Information on method of treatment;
    - e. Statement as to whether or not patient is in hospital in all cases where the physician is convinced that hospitalization is necessary in application of the provisions contained in Article XIV and XV of the Law.
  3. The physician will demand identity papers. Should they not be forthcoming, the fact should be noted on the counterfoil and on the Declaration.
  4. The detachable sheet shall consist of two pages:
    - a. The first, after it has been filled in by the physician, shall serve, as the case may be:

- for the Simple Declaration (giving identification particulars of the patient's case)

- for the Declaration with Name, (name, Christian name and address)

- b. The second shall be used for all the epidemiologic information on suspected sources of infection obtained in accordance with Article III of the Law. This detachable sheet shall be handed in or forwarded without delay to the Public Health Authorities and endorsed "Confidential, only to be opened by a physician".
5. a. The holders of Counterfoil Books bear the responsibility under Civil and Criminal Law for their preservation during and after use.
- b. Holders of the Counterfoil Books are obliged to produce them for inspection when required to do so by the Allied Authorities of the Public Health Authorities.
- c. For unauthorized divulgence of information of venereal disease without the permission of the patient, holders of Counterfoil Books are liable to punishment under Article XXV of the Law.
- d. The Allied Authorities in each Zone will:
- (1) determine the length of time the Books will be preserved.
  - (2) issue instructions as to their ultimate disposal.

### Article III

The Declarations and epidemiologic information referred to in Article II, paragraph 4, shall be sent to the Public Health Authorities of the district in which the physician who made the Declaration has his place of abode.

If the person concerned lives outside the jurisdiction of the said authorities, they will forward the particulars without delay to the Public Health Authorities of the area in which the individual in question lives,

- Article IV Should a patient suffering from venereal disease refuse treatment, the Declaration with Name as laid down in Article X of the Law, shall be made immediately and in no event in more than two days. Any patient suffering from venereal disease who discontinues the course of treatment he is undergoing or does not resume it on the date prescribed by the attendant physician shall be considered as having refused treatment and shall be the subject of a Declaration with Name to be made immediately and in no event in more than two days reckoned from the date of the consultation decided on by the physician and which the patient failed to attend.
- Article V The orders of the Health Authorities shall be conveyed by registered post to the individual concerned. In such cases where more expeditious means are deemed necessary, the Public Health Authorities are authorized to take such action up to and including immediate police action.
- Article VI The individual concerned will be informed, in the manner laid down in Article V of this Directive, that he is obliged to undergo hospitalization for diagnostic tests and, if necessary, treatment as prescribed by Articles XII, XIV and XV of the Law.
- If, within 48 hours of the receipt of the registered letter, the individual concerned has failed to comply with the order to undergo hospitalization, the Public Health Authorities shall instruct the police to enforce this order.
- Article VII The hospitals are required to accept all patients who are sent to them under Articles XII, XIV and XV of the Law, and are obliged to inform the patient of the restrictions and penalties imposed under Article XVII of the Law.
- Article VIII Any person, the subject of a Nominal Declaration, who changes his place of abode during treatment or in the interval between two courses of treatment must inform the Public Health Authorities and give his new address. The Public Health Authorities will forward this information about the person concerned to the Health Authorities of his new place of abode.

Article IX Under the supervision of the Allied Authorities the Public Health Authorities shall draw up for each Land or Province:

1. A list of registered physicians who are qualified to make the medical examinations required by Article XII of the Law.
2. A list of public hospitals and private clinics suitable for the hospital treatment of patients. This list shall only contain the names of these establishments whose equipment and working methods are considered adequate to ensure the control required for the enforcement of the law of \_\_\_\_\_ and of this Directive.



DECLARATION FORM FOR VENEREAL DISEASE CASES

COUNTERFOIL

Book No. . . . .

Diagnosis . . . . .  
. . . . .  
. . . . .

Patient's Identification  
Particulars (\*) . . . . .

Name, Christian Name . . . . .  
. . . . .

Address . . . . .

Profession . . . . .

Declaration forwarded on . . . . .

Patient previously treated . . . . .

By . . . . .

Hospitalized at (If hospitalization required) . . . . .

. . . . .

(\*) The identification particulars are obtained by using the initials of the name and Christian name followed by the date of birth in 6 figures.

Example: MUELLER Berta (born on January 1st 1905 - M.B. 01-01-05)

Example: GRUBER Emma (born on March 15th 1921 - G.B. 15-03-21)

DECLARATION FORM FOR VENEREAL DISEASE CASES

DECLARATION

Detachable Sheet, Part 1

Book No. . . . . Kreis . . . . .

Name and address of the Medical Practitioner . . . . .

. . . . .

Diagnosis . . . . .

. . . . .

. . . . .

Patient's Identification Particulars or Name and Address . . . . .

. . . . .

Treatment was immediately initiated by me (\*\*) . . . . .

Reasons for Nominal Declaration . . . . .

. . . . .

Immediate Hospitalization (\*\*) Is required  
is not required

Seal

Signature of Medical Practitioner

(\*\*) Strike out if not applicable

Annexure to  
Appendix "B"

EPIDEMIOLOGICAL INFORMATION

Detachable Sheet Part 2

The contaminating agent is stated to be . . . . .

Name . . . . ., Christian Names . . . . .

Full Address . . . . .

Unknown . . . . .

Full description (clothing) . . . . .

Particulars of time and place of meeting . . . . .

Was sexual contact on commercial basis (yes) (\*\*\*)  
(no)

What do you know about the occupation and social status of *the*  
contaminating agent? . . . . .

The contaminating agent is being treated by me (\*\*\*) . . . . .

(\*\*\*) Strike out if not applicable

Appendix CDRAFT DIRECTIVE ESTABLISHING VENEREOLOGICAL  
DIAGNOSTIC CENTERS AND ISOLATION WARDS

The Control Council directs as follows:

Article I           The prophylactic measures and medical treatment of persons infected with venereal disease are brought under a uniform regulation for the whole of occupied Germany.

Article II           1. To facilitate the carrying out of the Law Relative to Combatting Venereal Disease, Diagnosing Centers (also operating as Anti-Venereal Disease Dispensaries) shall be established, the purpose of which will be to provide laboratory and hospital facilities for persons in the following categories:

- a. those ordered by the Public Health Authorities to be hospitalized for diagnostic test for Venereal Disease;
- b. those ordered by the Public Health Authorities to undergo compulsory diagnosis or treatment without being hospitalized;
- c. these seeking diagnosis or treatment for venereal disease of their own volition,

At these Diagnosing Centers free consultation will be available to the public,

2. In addition to Diagnosing Centers, specially designated hospitals or wards shall be established and shall be equipped with adequate facilities for treatment and isolation of venereal disease patients. Such establishments are hereinafter referred to as Isolation Wards.

Article III           Depending on the facilities in each locality where the establishment will be located, the Diagnosing Centers and the Isolation Wards will be able to function, according to the circumstances, either in an isolated building, requisitioned or set up for this, or in the general setting of the public hospital whenever the hospital's capacity and internal arrangements permit the creation of sufficiently isolated facilities.

## Article IV

Diagnosing Centers and Isolation Wards will be staffed with qualified personnel and, whenever possible, equipped with laboratories permitting the carrying out of all indispensable research. In every case where such is impossible, the choice of the location of these establishments will be determined by the existence in the city or in the immediate proximity of a research laboratory capable of handling all the examinations necessary.

## Article V

Diagnosing Centers will include, as a minimum:

- a room for examination and treatment,
- a waiting room,
- two hospitalization rooms.

## Article VI

The Public Health Authorities, when presented with reports of suspected cases of Venereal Disease, will require that the persons so reported undergo a complete examination by specialists, and if necessary be placed under observation in a Diagnosing Center. Evidence of earlier clinical examinations or inadequate bacteriological tests producing negative results are to be considered null and void when they relate to persons against whom an assumption of infection is already established.

## Article VII

1. Persons suspected of venereal disease and admitted to Diagnosing Centers will be hospitalized as long as considered necessary for the establishment of diagnosis according to methods determined by the Public Health Authorities.

2. Those discovered to be diseased and coming within the provisions of Articles XIV and XV of the Law, shall be immediately hospitalized in Isolation Wards.

3. Those for whom the required tests have been negative shall be released.

4. Release from the Diagnosing Center will be the direct responsibility of the Chief Physician of the Center.

## Article VIII

Isolation Wards will be established in all large cities, every garrison center of any importance, and such other areas as the Public Health Authorities deem necessary, and where possible shall be a component part of the

Diagnosing Center. The number of beds to be provided will be determined by the Public Health Authorities.

Article IX The Isolation Wards will receive for treatment until all lesions are healed, all persons infected with a venereal disease, the diagnosis of which will have been confirmed by a physician or by a Diagnosing Center, and whose hospitalization is made obligatory in application of Articles XIV and XV of the Law of \_\_\_\_\_.

Article X

1. Insofar as it concerns persons infected with gonococcus, the duration of the hospitalization will vary according to the clinical aspect of the disease and the therapeutic means used and shall last until the patient presents no risk of contagion.
2. As far as it concerns persons infected with syphilis the hospitalization will last until the disappearance of all mucous or cutaneous lesions, and until the patient presents no risk of contagion.
3. Permission for the release of hospitalized patients will be given by the Chief Physician in cases where he is satisfied on the grounds of medical examination that the patient presents no risk of contagion.

4. Hospitalized cases will not be allowed to leave the Isolation Wards even for the shortest time until they no longer present a risk of contagion. However, in cases of dire emergency such as death or illness threatening death in the patient's immediate family (that is, wives, husbands, parents, children, brothers or sisters), the Chief Physician may allow temporary release. In such cases he will report his action immediately to the Public Health Authorities with a detailed explanation of the reasons therefor. In order to prevent abuse, the Public Health Authorities will exercise, the strictest supervision over such emergency cases.

Article XI Visits from families, relatives and friends of patients under treatment in these wards are to be regulated by the Chief Physician in such a way that they in no way interfere with the regularity of the treatment and are in conformity with the general rules of discipline in force in the establishment.

## Article XIII

The Public Health Authorities, in conjunction with the authorities responsible for prisons, prison camps, and other institutions, will arrange for the proper treatment and hospitalization of all inmates suffering from venereal disease.

## Article XIII

Pursuant to Article XXIV of the Law, the Public Health Authorities, in conjunction with the Public Welfare Authorities and the other recognized organizations mentioned in that article will provide effective means in each Kreis for combatting venereal disease. Among the tasks concerned with combatting venereal disease, imposed upon these organizations, the more important ones are the following:

1. to participate in carrying out epidemiologic investigation and in tracing sources of infection.
2. to keep persons who have been treated in Diagnosing Centers or Isolation Wards under observation after their release for a period to be determined by the Public Health Authorities.
3. to ensure that patients present themselves regularly for periodic examination and that successive treatments are taken on the dates provided for by treating physicians.
4. to participate in anti-venereal disease propaganda and in sex education of young people.
5. to assist in arranging financial aid for those patients who require it.
6. to organize vocational training for former prostitutes recovered from a disease and to provide them with new employment.
7. to provide means for permanent care and education of patients who are minors or mentally deficient and who are without parents or guardians.

COORDINATING COMMITTEEFinal Plan for the Liquidation of the Gusstahlfabrik, Essen

(Note by the Allied Secretariat)

1. The Coordinating Committee at its 110th Meeting on 4 March 1947 declared available 25 units of allocation indicated in the final plan for the liquidation of the Gusstahlfabrik, Essen.
2. The Economic Directorate at its 95th Meeting on 11 April 1947 agreed to forward to the Coordinating Committee the list of general purpose equipment from shops Nos. 16, 19, 26, 31, 35, 43, and 91 (attached at Appendix A) to be declared available for reparations with the recommendation that these units be approved for valuation and publication to LRA and the USSR. These units will be a supplement to the units of allocation approved by the Coordinating Committee at its 110th Meeting.
3. This paper is submitted for the consideration of the Coordinating Committee at its 121st Meeting on 7 May 1947.\*)

H. A. CHERLSDT, Colonel

R. C. BART

J. M. LOIRET, Lieutenant Colonel

N. D. KOSTENKO, Lieutenant Colonel

Allied Secretariat

CORC/i(47)61/1

\* ) see page 62

COORDINATING COMMITTEE

Final Plan for the Liquidation of the Gusstahlfabrik, Essen

Repara- tions Serial Nos.	Name	Description	Zone Location	Evaluation if available	Unit of allocation	Allocation Between Eastern & Western Powers
1009	Gusstahl Fabrik Friedrich Krupp A.G. Shop 16	Armaments Tyre Mill - Railway wheels and tyres	Essen	150,000,000 RM		
/26						
/27	Shop 19	Repair shop - Light engineering repairs				
/28	Shop 26	Sheet Pressing Plant No. 5 - Fressed steel components				
/29	Shop 31	Apparatus shop - Fabrication of large con- tainers and miscellaneous items				
/30	Shop 35	Machine shop - General light engineering work				
/31	Shop 43	Iron store - various stores				
/32	Shop 91	Boiler Plant (W) - Production of steam				

10 May 1947

CORC/M(47)25

COORDINATING COMMITTEEMINUTES

of the

One Hundred and Twenty-First Meeting

held at Berlin on 7 May 1947 at 1430 hours

245. FINAL PLAN FOR THE LIQUIDATION OF THE GUSSTAHLFABRIK ESSEN

The Meeting considered CORC/1(47)61/1.

THE MEETING:

(245) agreed (a) to delete the valuation figure in Appendix "A" to CORC/1(47)61/1;

- fb) that the units listed in Appendix "A" to CORC/1(47)61/1 be declared available for reparations, and for valuation and publication to I.A.R.A. and the Soviet Union, subject to the usual reservations and on the same terms as the 25 units already so declared,

COORDINATING COMMITTEEGeneral Purpose Equipment from War Plants in the U.S.  
and British Zones Available for Reparations

(Note by the Allied Secretariat)

1. The Coordinating Committee at its 85th Meeting on 24 October 1946 instructed the Economic Directorate to proceed with bulk allocation to the USSR and IARA of the General Purpose Equipment in war plants which were to be destroyed.
2. In conformity with the above instructions, the Economic Directorate at its 95th Meeting on 11 April 1947 considered a list of war plants in the U.S. Zone for which General Purpose Equipment would be available for allocation after valuation (attached at Appendix "A") and a list of war plants in the British Zone in which General Purpose Equipment was available for immediate allocation (attached at Appendix "B"). The Directorate approved both lists but deleted plants Nos. 430, 431, and 432 from the list of plants in the U.S. Zone since the inventories of these plants were still being checked. It was then agreed to forward both lists to the Coordinating Committee for final approval for reparations, subject to the four standard reservations, in order that the Economic Directorate could proceed with the bulk allocation of General Purpose Equipment from the plants listed in Appendices A and B upon completion of their valuation.
3. The Coordinating Committee at its 94th Meeting on 13 December 1946 noted the action of the Economic Directorate which had approved for valuation and subsequent allocation the 10 plants in the British Zone listed in Appendix "B" attached hereto.
4. This paper is submitted for the consideration of the Coordinating Committee at its 121st Meeting on 7 May 1947.\*)

H. A. GERHARDT, Colonel  
R. G. RAIN  
J. M. LOIRET, Lieutenant Colonel  
N. D. IOSTENKO, Lieutenant Colonel  
 Allied Secretariat

CORC/1(47)111

\*) see page 66

COORDINATING COMMITTEE

War Plants from U.S. Zone from which General Purpose Equipment is Available for Reparations

Reparations Serial	Name	Description	Zone Location	Evaluation Unit of if allocation possible	Allocation Between Eastern and Western Powers
432	Continental Metallwerke	Aircraft parts	Oberursel	GH	
433	Continental Metallwerke	Aircraft parts	Neddernheim	GH	
435	Continental Metallwerke	Aircraft parts	Grooewisbahr	GH	
436	Continental Metallwerke	Aircraft parts	Gross Auheim	GH	
437	Helmut Sachse	Aircraft parts	Munich	Bav	
438	Luftfahrgeraetebau	Aircraft parts	Stuttgart- Weihingen	BW	
439	Hans Klein Flugzeugbau	Aircraft parts	Boeblingen	BW	
440	Elma G.m.b.H.	Aircraft parts	Weiblingen	BW	
441	Messerschmitt	Aircraft parts	Angsburg	Bav	
442	Messerschmitt	Aircraft testing laboratory	Garmisch	Bav	

COORDINATING COMMITTEE

War Plants from British Zone from which General Purpose Equipment is Available for Reparations

Reparations Serial No.	Name	Description	Zone Location	Value- tion if possible	Unit of Allocation (Between Eastern & Western Power
1493	Vosswerke Aktiengesellschaft	Part of plant for production of components for tanks and V.2	Vosswerke A.G., Sarstedt, Mr.Hannover		
	Fritz Husemann	Entire plant for production of grenades, with exception of certain machinery which is allied property liable to restitution	Gutersloh Hohenzollern-strasse 39. Westphalia		
	Hindrich & Aufermann	Part of plant for production of bombs, armour plates for aircraft	Wupperthal, Oberbarmen, Hokinhanstrasse 118		
	Ruhrmetallwarenerwerke	Entire plant for production of fuses & shell heads	Neheim, Xanten		
	Mastert Werke	Part of plant for production of armaments and parts of gun carriages	Heepen Bielefeld		
	Kaiserling & Albrecht Plant No 2	Entire Plant for production of shells	Pringenstrasse 14, Solingen, Ochligs		
	Drabert & Sohn	Part of Plant for production of guns	Minden, Westphalia		
	Heidemann Werke	Part of plant for production of shells and detonators	Einbeck, Zeitl 5, Hahn		
	Friedrich Turk	Entire plant for production of rifle grenades, tracer and flare shells	Ludenscheid		
	Karl Ritscher	Entire plant for production of	Luneberg		

10 May 1947

CORC/M(47)25

COORDINATING COMMITTEEMINUTES

of the

One Hundred and Twenty-First Meeting

held at Berlin on 7 May 1947 at 1430 hours

244. GENERAL PURPOSE EQUIPMENT FROM WAR PLANTS IN THE U.S.  
AND BRITISH ZONES AVAILABLE FOR REPARATIONS

The Meeting considered CORC/1(47)111.

THE MEETING:

(244) approved the plants listed in CORC/1(47)111 as available for reparations subject to the usual reservations applicable in such cases.

COORDINATING COMMITTEEAccrediting of Egyptian Military Mission to the  
Allied Control Authority in Germany

(Note by the Allied Secretariat)

1. On 24 March 1947 the Allied Secretariat received a note from the Royal Egyptian Ministry of Foreign Affairs transmitted by the Egyptian Charge d'Affaires in Czechoslovakia to the Political Directorate for consideration.

2. At its 77th Meeting on 15 April 1947 the Political Directorate agreed to inform the Allied Secretariat that the British, French and U. S. Members of the Directorate were in favor of accrediting an Egyptian Military Mission to the Allied Control Council, but the Soviet Member was opposed to it since he did not consider that Egypt was one of the countries "chiefly interested in Germany." The Directorate requested the Allied Secretariat to inform the Egyptian Government that the Allied Control Authority was unable to grant its request.

3. The Coordinating Committee is therefore requested to approve the following draft reply to be sent to the Royal Egyptian Ministry of Foreign Affairs through diplomatic channels:

"The Allied Control Authority in Germany has considered the request of the Royal Egyptian Ministry of Foreign Affairs relative to the accrediting of an Egyptian Military Mission to the Allied Control Council. The Allied Control Authority has received various other applications from Allied Governments wishing to be represented in Berlin but it regrets that in the present circumstances, it is unable to contemplate the extension of the number of Allied Missions already authorized."

4. This paper is submitted for consideration by the Coordinating Committee at its 121st Meeting on 7 May 1947.\*)

R. G. RAYJ. M. LOIRET, Lieutenant ColonelN. D. KOSTENKO, Lieutenant ColonelH. A. GERHARDT, Colonel

Allied Secretariat

\*) See page 68

10 May 1947

CORC/M(47)25

COORDINATING COMMITTEEMINUTES

of the

One Hundred and Twenty-First Meeting

held at Berlin on 7 May 1947 at 1430 hours

247. ACCREDITING OF EGYPTIAN MILITARY MISSION TO THE ALLIED  
CONTROL AUTHORITY IN GERMANY

The Meeting considered CORC/1(47)113.

THE MEETING:

(247) agreed to instruct the Political Directorate to convey the draft reply, to the Egyptian Government.

CONTROL COUNCILReport of the Coordinating Committee on  
Resolution of Council of Foreign Ministers  
on Strengths of Occupying Troops

(Note by the Allied Secretariat)

1. At the 121st Meeting of the Coordinating Committee the Chairmen read out the following resolution agreed by the Council of Foreign Ministers at their meeting on 24th April, 1947. The unofficial text of this resolution had been obtained from the British Delegation: -

"Considering it necessary to reduce the size of Occupation Troops in Germany, the Council of Foreign Ministers instructs the Control Council to consider the question and to determine the strengths of the Occupying Troops of the Four Powers as at 1st September, 1947. The Control Council is to report not later than 1st June, 1947."

2. As the report date was the 1st June, 1947, the Committee agreed to refer the resolution to the Combined Services Directorate for its recommendation.

3. It was agreed that the reference of the resolution to the Combined Services Directorate on the basis of the text available to the British Delegation was to enable the Directorate to begin immediate consideration of it without awaiting the receipt of the official instructions from the Secretariat of the Council of Foreign Ministers.

4. The Control Council is requested to confirm this action of the Coordinating Committee.\*)

R. G. RAUJ. M. LOIRET, Lieutenant ColonelN. D. KOSTENKO, Lieutenant ColonelR. V. N. YACENEN

Allied Secretariat

CONL/1 (47)28

\*) see page 70

12 May 1947

70

CONI/M(47)11

CONTROL COUNCIL

MINUTES

of the

Sixty-First Meeting

held in Berlin on 10 May 1947 at 1430 hours.

52. REPORT OF THE COORDINATING COMMITTEE ON RESOLUTION OF  
COUNCIL OF FOREIGN MINISTERS ON STRENGTH OF OCCUPYING  
FORCES

The Meeting considered CONI/1(47)28.

THE MEETING:

- (52) confirmed the action of the Coordinating Committee in referring the resolution to the Combined Service Directorate for their recommendations.

COORDINATING COMMITTEEAmendments to Regulations for International  
Postal Service in Germany

(Note by the Allied Secretariat)

1. At its 59th Meeting\*) the Coordinating Committee approved Regulations for International Postal Service in Germany (CORC/I(46)208). At its 89th Meeting\*\*) the Coordinating Committee authorized the inclusion of non-transactional commercial correspondence, and this amendment was subsequently incorporated in the Regulations which were then reproduced as CORC/I(46)208, 1st Revision.

2. At its 70th Meeting on 29 April 1947 the Directorate of Internal Affairs and Communications agreed to request the Coordinating Committee to approve the attached draft amendments to the Regulations which place illustrated postcards and transactional mail within the "Admissible Categories".

3. The Directorate also agreed to ask the Coordinating Committee to authorize the Allied Communications and Posts Committee to revise and modify these regulations in future. The Directorate therefore proposed that a new Part V be added to these regulations, as follows:-

Part V

"The regulations for international postal service in Germany are subject to future revisions and modifications by the Allied Communications and Posts Committee."

4. Should approval be given to the proposal contained in paragraph 3 above, the Allied Secretariat, acting on information received from the Directorate of Internal Affairs and Communications or its Secretariat will keep the Regulations amended accordingly.

5. This paper is submitted for consideration by the Coordinating Committee at its 122nd Meeting on 16 May 1947.\*\*\*)

R. C. RAI  
J. E. LOIRET, Lieutenant Colonel  
N. D. KOSTENIC, Lieutenant Colonel  
R. W. VAN WAGENEN  
Allied Secretariat

CORC/I(46)208  
1st Revision/1

\*) Volume III, page 174

\*\*) Volume V, page 160

\*\*\*) See page 73

Amendments to Regulations for International Postal Service in Germany

In paragraph 2 of Part II of CORC/I(46)208 (1st Revision),\*)

Delete the word "plain" preceding the words "postal cards".

In paragraph 3 of Part II,

Delete In the first sentence of the first subparagraphs,  
the words "postcards and".

Add As a second subparagraph of this part,  
"Illustrated postal cards must not be of a pro-Fascist character or directed against any of the occupying authorities.\*\*")

Delete the following sentences:  
"The correspondence must deal with personal and domestic matters or matters of a non-transactional commercial character at present  
"Non-transactional commercial correspondence is limited to the ascertaining of facts and the exchange of information. The closing of business deals or contracts are not yet permitted. Correspondence by Germans relative to their external assets even if only of a simple informational character is not permitted."

Add "Commercial correspondence of a transactional nature is permitted, provided such correspondence relates to and implements such transactions as may be legal under laws and regulations of Allied Control Authority, Military Government and German law presently' in force, provided that all external values resulting from such transactions shall accrue to the accounts of the respective Military Governments concerned. Furthermore, it is prohibited for persons under the jurisdiction of the Allied Control Authority for Germany to carry on correspondence regarding German external assets, even if only of a simple informational character."

CORC/I(46)208/1  
1st Revision/1

\*) Paragraphs 2 and 3 of Part II of CORC/I(46)208

1st Revision (3 Feb 1947) read:

"2. Admissable Categories

Plain letters not exceeding 20 grams in weight  
Plain postal Cards

3. The postcards and envelopes must not be illustrated. The envelopes used must not be lined or carry indications other than the address of the sender and addressee and any necessary postal directions. The correspondence must deal with personal and domestic matters, or matters of a non-transactional commercial character at present. Non-transactional commercial correspondence is limited to the ascertaining of facts and the exchange of information. The closing of business deals or contracts are not yet permitted. Correspondence by Germans relative to their external assets even if only of a simple informational character is not permitted."

\*\*> General KUROCHKIN proposed that this paragraph should read "Illustrated postcards must not be of a pro-Fascist and subversive character."

(CORC/I(47)26,259)

17 May 1947

CORG/M(47)26

COORDINATING COMMITTEEMINUTES

of the

One Hundred and Twenty Second Meeting

Held in Berlin on 16 May 1947 at 1430 hours

259. AMENDMENTS TO REGULATIONS FOR THE INTERNATIONAL POSTAL SERVICE IN GERMANY

The Meeting considered CORG/I(46)208 1st Revision/1

THE MEETING:

- (259) (a) approved CORG/I(46)208 1st Revision/1 as amended by the Soviet Member;
- (b) authorized the Allied Communications and Posts Committee to make amendments only of a technical nature to the Regulations on Restricted International Parcel Post Service into Germany.

COORDINATING COMMITTEERegulations of the Allied Prison at Spandau

(Note by the Allied Secretariat)

1. At the 117th Meeting of the Coordinating Committee on 14th April 1947, the Chairman informed the Meeting that the Allied Kommandatura, Berlin, had submitted a disagreed paper on the above subject, and that the paper had been sent to the Legal Directorate. The Coordinating Committee therefore instructed the Legal Directorate to submit a recommendation on the subject by the beginning of May.

2. At its 95th Meeting on 24th April 1947 the Legal Directorate considered the Kommandatura paper and the following comments of a general character were unanimously agreed by all four delegates:

"The plan for administration of Spandau Prison provided by the Allied Kommandatura seems to the Legal Directorate to be excessively complicated and elaborate. It appears that the Kommandatura expected to establish a prison for many quadripartite prisoners. In fact, only seven prisoners have been sentenced to imprisonment by any quadripartite Military Tribunal. There are many incongruities in the regulations. However, the Directorate, in view of the time limit, was unable to study the regulations in great detail. In the opinion of the Legal Directorate, this plan may be put into operation for a limited period of time, but it should be reviewed by the Kommandatura in the light of experience in the interest of simplicity and economy."

3. During discussion of three amendments, which had been proposed by the British Commandant but which were unacceptable to the other Delegations in the Allied Kommandatura, three divergencies of opinion arose within the Legal Directorate.

4. The first two differences of opinion arose in connection with Paragraph 9 which comes in Part 3, Administrative and Penal Regulations, of the draft regulations. This paragraph reads as follows:

"9. GENERAL

- (i) WAR CRIMINALS shall be confined under guard in accordance with the sentence of the International Military Tribunal.

(ii) Prisoners will be called by their convict numbers and will never be addressed by name.

(iii) Confinement shall be solitary."

(a) Para. 9 (iii)

(i) The Soviet Delegate supported the text as drafted:

(ii) The British and U.S. Delegates preferred the following text for this sub-paragraph:

"Confinement shall be solitary except that work, religious services, and physical exercise shall be in common, with limited conversational privileges under such supervision as may be prescribed by the Governorate."

(iii) The French Delegate preferred the following text for the sub-paragraph:

"The confinement must be served in solitude. However, work, religious services, and walks may be in common, but in such cases all necessary arrangements shall be taken so that the prisoners cannot communicate with each other."

(b) Addition of a new sub-paragraph (iv) to paragraph 9.

(i) The British and U.S. Delegates supported the addition of a new subparagraph (iv) as follows:

"Working hours for prisoners will normally be a minimum of eight hours a day, excepting Sundays and general holidays."

(ii) The Soviet and French Delegates considered this proposed addition unacceptable.

5. The third difference of opinion arose in connection with sub-paragraph (iv), Silence Regulations, of paragraph 12, Execution of Sentence, of the draft regulations. Paragraph 12 (iv) as drafted reads as follows:

"(vi) Silence Regulations

- (a) Noise, such as shouting, screaming, whistling, unauthorized singing and music, is prohibited.
- (6) Prisoners will not talk or communicate with one another or with others unless specifically authorized by the Governorate on each particular occasion."
- (a) All four delegates accepted the deletion of the words "on each particular occasion" in paragraph 12(vi) (b).
- (b) In addition, the U.S. and British Delegates wished to insert the words "Except as provided in paragraph 9(iii)" at the beginning of paragraph 12(vi) (b). This addition was not acceptable to the French and Soviet Delegates.

6. This paper is submitted for consideration by the Coordinating Committee at its 122nd Meeting.\*)

R. G. RAW

R. W. VAN NACHTEN

Allied Secretariat

CCPC/P(47)116

\*) see page 77

17 May 1947

COCR/II(47)26

COORDINATING COMMITTEEMINUTES

of the

One Hundred and Twenty Second Meeting

held in Berlin on 16 May 1947 at 1430 hours.

257. REGULATIONS FOR THE ALLIED PRISON AT SPANDAU

The Meeting considered COCR/P(47)116.

THE MEETING:

(257) agreed:

- (a) to return the regulations for the administration of the Spandau prison to the Allied Kommandatura;
- (b) to instruct the Allied Kommandatura to review the regulations as they appeared excessively elaborate and had been drawn up for a large number of prisoners, whereas there were only seven;
- (c) to request the Allied Kommandatura in carrying out their review to embody the following two points in the regulations:
  - "(i) confinement shall be served in solitude (isolated cells), but work, religious services and walks shall be communal. Prisoners shall not talk or communicate with each other or others unless specially authorized by the governorate.
  - (ii) the governorate shall establish a daily timetable but in principle there shall be work every day except Sundays and general German holidays."

COORDINATING COMMITTEERequest of the Allied Kommandatura Concerning  
the Trade Tax

(Note by the Allied Secretariat)

1. The Magistrat of Berlin requested the Allied Kommandatura to obtain approval of the necessary legislative action which would permit the changing of the tax rates for the trade tax and the re-apportionment of the revenues from that tax.
2. This question was referred to the Finance Directorate which, at its 72nd Meeting, examined this request and decided to submit the following report to the Coordinating Committee:

"The effect of the proposed legislative action is to repeal those provisions of the Trade Tax Simplification Ordinance of 31 March 1943 (Sec. 3, paragraphs 2-5, and Sec. 7), and the Second Trade Tax Simplification Ordinance of 16 November 1943 (Sec. 3), which froze trade tax rates at the amounts levied in 1942 and fixed the shares of the different communes at the proportions existing in 1942.

Repeal of these sections of the Trade Tax Simplification Ordinances would permit the Magistrat of Berlin to change the rate of the trade tax in accordance with the provisions of the Trade Tax Law of 1 December 1936 and would restore the apportionment provisions of Title IV of that law. These decrees are war measures and in the absence of other legislation they expire at the end of the second calendar year after the end of the war.

The Finance Directorate is of the opinion that the provisions of the Trade Tax Simplification Ordinances listed above should be repealed, thus restoring the provisions of the Trade Tax Law of 1 December 1936, which permit communes to change the rate of this tax each year, and provide for annual adjustments in apportionment. It believes that this will restore a greater degree of financial independence to the communes and encourage the development of responsible local self government.

The Finance Directorate, therefore, recommends that the Allied Control Council repeal Section 3, paragraphs 2 to 5, and

Section 7 of the Trade Tax Simplification Ordinance of 31 March 1943 and Section 3 of the Second Trade Tax Simplification Ordinance of 16 November 1943.\*

3. This paper is submitted for the consideration of the Coordinating Committee at its 122nd Meeting on 16 May.\*)

R. C. RAY

J. M. LOIRET, Lieutenant Colonel

N. D. NOSTENKO, Lieutenant Colonel

R. W. V. N. WAGENEN

Allied Secretariat

COHC/P(47)118

\*) see page 80

17 May 1947

CORC/A1(47)26

COORDINATING COMMITTEEMINUTES

of the

One Hundred and Twenty Second Meeting

held in Berlin on 16 May 1947 at 1430 hours,

260. REQUEST OF THE ALLIED KOMMANDATUR. CONCERNING THE TRADE TAX

The Meeting considered CORC/P(47)118.

THE MEETING:

- (260) agreed (a) to authorize the Kommandatura to approve a decree by the Magistrat to give effect to the last section of para 2 of the paper, and
- (b) to instruct the Legal Directorate to draft a law on the subject applicable to the whole of Germany.

COORDINATING COMMITTEEINSTRUCTIONS OF COUNCIL OF FOREIGN MINISTERS TO CONTROL COUNCIL  
(Council of Foreign Ministers References:)

CFM/47/M/148  
 CFM/47/M/42nd Meeting  
 CFM/47/M/158  
 CFM/47/M/153  
 CFM/47/M/159

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 (Note by the Allied Secretariat)

1. The General Secretariat of the Council of Foreign Ministers has transmitted to the Control Council a Report of the Deputies' decisions and amendments thereto adopted by the Council of Foreign Ministers at their 42nd Meeting. This amended Report is attached at Appendix "A" (Limited Distribution).
2. The attention of the Coordinating Committee is drawn to its conclusion (263) of CORC/M(47)26 by which the agreement of the Council of Foreign Ministers that the plan for the liquidation of the plants constructed especially for the production of war materials (Category I) shall be completed prior to July 1st, 1947, was referred to the Economic Directorate.
3. At the same meeting the Council of Foreign Ministers adopted a decision with regard to the return of German prisoners of war to Germany. The text of this decision as recorded in CFM/47/M/153 is as follows:-
  - "1. German prisoners of war located in the territory of the Allied Powers and in all other territories will be returned to Germany by December 31, 1948.
  2. The repatriation of German prisoners of war will be carried out in accordance with a plan which will be worked out by the Control Council not later than July 1st of this year."

The attention of the Coordinating Committee is drawn to the statement made by the Chairman on this decision of the Council of Foreign Ministers in his statement under Any Other Business in Minute 263 of CORC/M(47)26 and to its agreement to his proposal.

\* Before amendment in CORC/M(47)27; 269 the above paragraph of CORC/P(47)121 read: "At its 42nd Meeting the Council of Foreign Ministers transmitted to the Control Council the Report of their Deputies as amended by the Council of Foreign Ministers."

4. At its 43rd Meeting the Council of Foreign Ministers took the following decision as recorded in CFM/47/1/158:-

"Finding it necessary to limit the occupation forces in Germany the Council agreed to suggest that the Allied Control Council in Germany should consider this question and determine the size of armed forces of the U.S., United Kingdom, France and the U.S.S.R. in Germany. The Control Council will report its decision to the Council of Foreign Ministers not later than June 1, 1947."

By Conclusion (52) of COML/1(47)11 the Control Council confirmed the action of the Coordinating Committee in referring this resolution on the basis of the English text available to the British Delegation to the Combined Services Directorate for action. On receipt of this official text from the General Secretariat of the Council of Foreign Ministers the Allied Secretariat immediately drew the attention of the Combined Services Directorate to the discrepancies between this and the text originally referred for their consideration and in particular to the absence of the date, 1 September 1947.

5. At its 39th Meeting the Council of Foreign Ministers instructed in accordance with CFM/47/1/159 the Allied Control Council for Germany to determine the conditions necessary for the re-settlement in Germany of persons to be transferred from Austria in accordance with Article 16/Bis of the draft Treaty for the re-establishment of an independent democratic Austria. At Appendix "B" is Article 16/Bis (Limited Distribution).

6. This paper is circulated for consideration by the Coordinating Committee at its 123rd Meeting on 28 May 1947.

CORC/P(47)121

R. G. RAY.

J. M. LOUET, Lieutenant Colonel

N. D. KOSTENKO, Lieutenant Colonel

R. V. NICHOLSON

Allied Secretariat

(At its 123rd Meeting on 28/30 May 47, the Coordinating Committee approved observations of the Chairman concerning CORC/P(47)121 that: (a) all action which could, for the moment, be taken regarding paragraphs (2) and (3), had been taken; (b) the item referred to in paragraph (4) was already on the Agenda of the present meeting and (c) the instructions contained in paragraph (5) should be forwarded to the Prisoners of War and Displaced Persons Directorate for submission of recommendations in consultation with the Manpower Directorate.)

Appendix 1 to  
CORC, 1 (47) 121  
(CFM/47/M/148)  
CFM/47/M/  
42nd Meeting.

INSTRUCTIONS OF COUNCIL OF FOREIGN MINISTERS TO  
CONTROL COUNCIL

AMENDED REPORT FROM THE DEPUTIES TO THE COUNCIL OF FOREIGN  
MINISTERS

PART I

On the questions of demilitarization, denazification, democratization, population transfers and territorial reorganization the Deputies recommend to the Council of Foreign Ministers that agreements be referred to the Control Council as directives for action.

The Deputies recommend that disagreements should be referred to the Control Council for information and study.

I. Agreements

1. Demilitarization

The Control Council

(1) shall accelerate the work of destruction of German Military material and the demolition of all the Military establishments and installations intended for carrying on war on land, on sea and in the air, in accordance with the programme already in progress by the Allied Control Council under Directives 22 and 28 as amended, which looks forward to the completion of this work by 31st December, 1948, if possible.

(2) shall complete the plan for the liquidation of the plants constructed especially for the production of war materials (Category I) prior to July 1st, 1947.

(3) shall effectively complete the liquidation of factories in Category I before 30th June, 1948.

The U.K. Delegation states that it can accept the above date but reserves the right to report to the Control Council if difficulties arise in the completion of the task by the date established and to request an extension should this prove necessary.

(4) shall verify with the aid of quadripartite commissions the operations for the liquidation of war potential provided for in the preceding paragraphs.

(At its 123rd Meeting on 28/30 May 47, the Coordinating Committee agreed, minute (269) (b), to pass the above Instructions on Demilitarization to the Combined Services Directorate and at the same time to instruct the Directorate that if at any time it felt that delays might involve the risk of the Instructions not being carried out it should inform the Coordinating Committee.)

## 2. Denazification

The Control Council is directed

(1) To take all appropriate measures to hasten the process of Denazification throughout Germany in accordance with Control Council Directives Nos. 24 and 38.

(2) To complete as soon as possible the removal of former active Nazis and militarists from public and semi-public office and from positions of responsibility in important private undertakings and to study the possibility of fixing a date for the completion of this process.

(3) To take all measures necessary to ensure that only those individuals are employed in a judicial capacity or as public prosecutors who are considered by reason of their political and moral qualities to be capable of assisting the development of genuine democratic institutions in Germany.

(4) To concentrate upon and to hasten the bringing to trial of war criminals, members of Nazi criminal organizations and of active supporters of the Nazi regime, without requiring the indiscriminate trial of the mass of nominal members of the Nazi Party.

(5) To take action in the near future through Zone Commanders to devolve upon the appropriate German authorities responsibility for carrying out Control Council Directives Nos. 24 and 38, by passing the necessary German legislation and to ensure through the Zone Commanders that the effect of the legislation so passed is such as to produce uniform treatment of all former Nazis and militarists corresponding to their degree of responsibility, while at the same time giving the German authorities discretion as to the precise

methods by which they carry out this task.

(At its 123rd Meeting on 28/30 May 47, the Coordinating Committee agreed, Minute (209) (c), to pass all five of the above Instructions concerning Denazification to the Internal Affairs and Communications Directorate together with instructions to consult any other Directorates affected, especially the Legal Directorate. Regarding Instruction No. (5) the Internal Affairs and Communications Directorate was instructed to submit to the Coordinating Committee a draft Directive to the Zone Commanders.)

### 3. Democratization

The Control Council

(1) shall ensure the carrying out and completion of land reform in all zones of occupation in Germany in 1947.

(2) shall establish in all of Germany a free exchange of information and democratic ideas by all media, this exchange to be limited only by the requirements of military security, the needs of the occupation, the necessity of ensuring that Germany carries out her obligations to the Allies and the necessity of preventing the resurgence of National Socialism and militarism. This exchange should not be subject to any pressure of any sort, administrative or economic, on the part of the central government or of the Lander Governments.

(At its 123rd Meeting on 28/30 May 47, the Coordinating Committee agreed, Minute (269) (d), to refer Instruction (1) above on Democratization to the Economic Directorate with instructions to render Progress Reports to the Coordinating Committee on July 1st, October 1st, and December 31st, 1947; and to refer Instruction (2) above to the Political Directorate.)

### 4. Population Transfers

(1) The Council of Foreign Ministers confirms the agreements reached by the Allied Control Council for Germany recorded in Section VII, Part 2, paragraph 5, of its Report under the title United Nations Displaced Persons as follows:

(a) Accredited representatives of interested nations whose citizens are still in camps and assembly centres allotted to Displaced Persons should have the right to visit these places when accompanied

by officers of the occupation forces for the purpose of conferring with these persons.

(b) All propaganda directed against United Nations interests or against repatriation will be forbidden in Displaced Persons Camps.

(c) Distribution of newspapers, magazines and pamphlets published and printed in the countries of which Displaced Persons are citizens shall be allowed in Displaced Persons Camps. The exhibition of films produced in their native countries shall be permitted in Displaced Persons Assembly Centres after approval by proper Allied Control Authority agencies. These Displaced Persons shall also be allowed unrestricted use of international communications facilities to correspond with their relatives and acquaintances in their home countries. The accredited repatriation liaison Officers of the United Nations may carry between the Zones and their home countries letters from United Nations Displaced Persons.

(d) Organizations established for carrying on the humanitarian task of tracing missing United Nations Displaced Persons and Prisoners of War shall be continued and that all such organizations should instruct German authorities to furnish all necessary facilities required by such organizations.

(e) Arrangements should continue for the census and registration of all property and belongings of United Nations Displaced Persons and that the German Authorities should be instructed to continue to give all possible assistance towards the legitimate return of this property with the minimum of delay.

(f) Arrangements should be continued for the repatriation of the remains of deceased United Nations nationals upon request of the countries concerned and that the German Authorities should be instructed to continue to grant all necessary facilities for such purposes.

(g) Arrangements should continue for the care and maintenance by the German Authorities of the graves of United Nations nationals who died in Germany.

(2) Council of Foreign Ministers agrees upon the following principles with reference to United Nations Displaced Persons in Germany and to population transfers.

(a) Any war criminals found in Displaced Persons Camps are to be turned over under guard to the Military Command of the

countries concerned upon due request and upon production of satisfactory evidence that the individuals whose transfer is requested are in fact war criminals.

(b) All "Committees", "Centres", and other similar organizations which may be found to be engaged in activities hostile to the interests of any of the Allied Powers will be immediately disbanded.

(c) The voluntary repatriation of Displaced Persons who are now in Germany will be accelerated.

(d) Control Council shall study further the whole question of the transfers of population into Germany with a view to directing to the areas best able to receive them those populations whose transfer to Germany may be decided in the future. Account shall be taken in this study of the situation existing in each Zone.

The recommendations and decisions confirmed or taken by the Council of Foreign Ministers are transmitted to the Control Council for Germany and to the Commanders-in-Chief of the occupation forces of Germany for appropriate action within their spheres of competence.

(At its 123rd Meeting on 28/30 May 47, the Coordinating Committee agreed, Minute (269) (e), to refer Instructions (1) and (2) (a), (2) (b) and (2) (c) concerning Population Transfers to the Zone Commanders and to refer Instruction (2) (d) above to the Prisoners of War and Displaced Persons Directorate with instructions that other affected Directorates - especially the Manpower Directorate - should be consulted.)

## II. Disagreed Questions

### 1. Demilitarization

The positions of the various Delegations on the questions upon which no agreement has been reached under this heading are set out in the following paragraphs of document CFM(47)(1)132

- (a) Paragraph 4: Liquidation of Factories in Categories II, III and IV
- (b) Paragraph 6: German Military Formations
- (c) Paragraph 7: Non-German Units and Services

\* see CORC/M(47)28; (289).

## 2. Democratization

The positions of the various delegations on the questions on which no agreement has been reached under this heading are set out in the following paragraphs of Documents CFM/47/M/132 and CFM/47/M/93

- (a) Paragraph 1 (CFM/47/M/132) - Supervision of Elections
- (b) Paragraph 4 (CFM/47/M/132) - Basic Human Rights
- (c) Paragraph 1, Part II (CFM/47/M/93) - Political Parties and Trade Unions
- (d) Paragraph 2, Part II (CFM/47/93) - Electoral Procedure
- (e) Paragraph 3, Part II (CFM/47/M/93) - Freedom of Movement
- (f) Paragraph 4, Part II (CFM/47/M/93) - Education.

## 3. Transfer of Populations

The positions of the various delegations on the questions on which no agreement has been reached under this heading are set out in the following paragraphs of Document CFM/47/M/93:

- (a) Paragraph a - Resettlement of DI's Outside Germany
- (b) Paragraph b - Administration of Displaced Persons Camps
- (c) Paragraph c - Special Quadripartite Investigation Committee
- (d) Paragraph d - Suspension of Transfers of Population
- (e) Paragraph e - Organization of German Emigration
- (f) Paragraph f - Reference of Problem to International Refugee Organization
- (g) Paragraph g - Costs of DI Maintenance
- (h) Paragraph h - Redistribution of Refugees and Expellees
- (j) Paragraph j - Enlistment of DI's in Units and Services

#### 4. Territorial Reorganization

The positions of the various delegations on the questions on which no agreement has been reached under this heading are set out in the following paragraphs of Document CEM/47/M/93 - Territorial Reorganization:

(a) Paragraph 1 - Definition of Administrative and Territorial Divisions

(b) Paragraph 2 - Future Territorial Changes.

(At its 123rd Meeting on 28/30 May 47, the Coordinating Committee agreed to refer the Disagreed Questions (Appendix A, Part I, paragraph II) to the various Directorates and Zone Commanders, as enumerated below, on the understanding that Directorates would discuss any of these Disagreed Questions at the request of any single member.

Item 1(a) to the Economic Directorate

Item 1(b) to the Combined Services Directorate

Item 1(c) to the Combined Services Directorate

Item 2(a) to the Internal Affairs and Communications Directorate

Item 2(b) to the Political Directorate

Item 2(c) to the Political Directorate

Item 2(d) to the Internal Affairs and Communications Directorate

Item 2(e) to the Internal Affairs and Communications Directorate

Item 2(f) to the Internal Affairs and Communications Directorate

Item 3(a) to the Prisoners of War and Displaced Persons Directorate

Item 3(b) to the Zone Commanders

Item 3(c) to the Coordinating Committee

Item 3(d) to the Prisoners of War and Displaced Persons Directorate

Item 3(e) to the Prisoners of War and Displaced Persons Directorate

Item 3(f) to the Prisoners of War and Displaced Persons Directorate

Item 3(g) to the Zone Commanders

Item 3(h) to the Prisoners of War and Displaced Persons Directorate

Item 3(j) to the Coordinating Committee

Item 4(a) and (b) to the Coordinating Committee. )

PART IIECONOMIC PRINCIPLES, THE LEVEL OF POST-WAR GERMAN ECONOMY  
AND RESERVATIONS THEREON

The position of each Delegation on all agreed and unagreed points has been taken subject to the general reservations contained in the following statement which serves as a preamble to Economic Principles, Section VII, CEM(47)(1)74:

"The position of each Delegation with respect to each specific proposal is dependent upon reaching agreement as a whole on the related problems of the level of industry, reparations and the treatment of Germany as an economic unit.

"The French Delegation adds the following reservations: It cannot agree to any settlement of these three questions without prior settlement of the question of the export of coal in conformity with the demands of the French Government. The French Government repeats that it is ready to accept that Germany should be treated provisionally within its present borders as an economic unity without awaiting the determination of the future status of the Ruhr and Rhineland or prejudging the political and economic regime of those regions, and on the condition that the Saar should immediately be incorporated in the economic and monetary sphere of France.

"The Soviet Delegation declares that it approaches the consideration of economic principles in an organic connection with the question of reparations to which, as was stated by the head of the Soviet Delegation, the Soviet Government attaches paramount importance. In considering separate proposals advanced by various Delegations concerning economic principles and especially with regard to reparations, the Soviet Delegation sees a series of points on which it can find a common solution of questions, only, however, having in view that it will meet reciprocity in the question of reparations to which it attached a special importance."

I. Economic PrinciplesA. Agreed point1. Common Sharing of Resources

All delegations are agreed in principle that there should be a sharing of indigenous resources in Germany and that commodities

in short supply should be allocated on a basis of uniform rations. Agricultural production shall be maximized and industry re-activated on peaceful lines as soon as possible and imports into Germany shall also be used on a common basis. (Section VII, paragraph 1, CFM(47)(M)74).

#### B. Unagreed points

The following points, numbered in accordance with Section VII of CFM(47)(M)74, are not agreed:

2. Export-Import Plan
3. Sharing of Import Deficits
4. Financial Reform
5. Subjection of Resources in Germany to German Law
6. Occupation Forces and their Requirements
7. Freedom of Movement
8. Control of the Ruhr
9. Annulment of the Bi-Zonal Agreement
10. Economic Decentralization and Decartelization
11. Allied Control over Internal Allocations in Germany

The Deputies recommend to the Ministers that all agreed and unagreed points be referred to the Allied Control Council for information. The Soviet Deputy proposes that the unagreed points be referred by the Ministers to the Deputies for study. The French and United States Deputies agreed with this proposal. The United Kingdom Deputy reserved his position.

## II. Level of Post-War German Economy and Reparations Plan

### A. Agreed point

#### Reparations

The four Delegations agree to direct the Control Council to determine within three months following the completion of the Plan for Reparations and the Level of Post-War German Economy to

establish the lists of the plants and the amount of equipment taken away or to be taken away within the four zones as reparations. (Section VIII, paragraph B,1,CEM(47)(M)74)

**B. Unagreed points**

All other points discussed in Section VIII of CEM(47)(M)74, dealing with the level of the post-war German economy and the reparations plan were not agreed. The Deputies note, however, that the following text on the level of the post-war German economy:

"The four Delegations agree on the necessity of revision of the plan for reparations and the level of German post-war economy." (Excerpt from Section VIII, paragraph A, 1 CEM(47)(M)74)

includes an agreement in principle. This text is included among the unagreed points because of the number of specific reservations attached to the manner of the implementation of the principle.

The Deputies recommend to the Ministers that all agreed and unagreed points on the level of the post-war German economy and the reparations plan be referred to the Allied Control Council for information. The Deputies further recommend to the Ministers that part B, 10 of Section VIII of CEM(47)(M)74, which is not agreed, be referred by the Ministers to the Deputies for study. The Soviet Deputy proposes that the other unagreed points be referred to the Deputies for study. The French and United States Deputies agreed with this proposal. The United Kingdom Deputy reserved his position.

(At its 123rd Meeting on 28/30 May 47, Minute (269) (L), the Coordinating Committee agreed to note part II.)

PART IIIFORM AND SCOPE OF THE PROVISIONAL POLITICAL ORGANIZATION OF  
GERMANY  
(CFM(47)(M)121)

The Deputies submit to the Council of Foreign Ministers the following statement regarding the agreed and disagreed points which resulted from the Council's discussion during the present session on the Form and Scope of the Provisional Political Organization of Germany. (CFM(47)(M)121)

General Reservation on the Document as a whole

All Delegations agree that any decision on the political organization of Germany is conditional upon the prior establishment of German economic unity.

A. Central Administrative Agencies

All Delegations agree to accept:

Paragraph 1 (c) and (b)

The French Delegation accepts these two paragraphs only on condition that agreement is reached on paragraphs 2 and 3.

Paragraph 4

Agreement was not reached on the following paragraphs:

2, 3, 5, 6, and 8.

Paragraphs 5 and 6 were combined and paragraph 7 was omitted.

B. Establishment of a German Advisory Council

All Delegations agreed to accept:

Paragraph 1. - Date of the Establishment of the Council

The agreement of the French Delegation to this text is conditional on the final determination of the frontiers of Germany having been settled by that date.

### Paragraph 3 - The Functions of the Council

All Delegations are agreed that the German Advisory Council shall advise the Control Council on the general aspects of the work of the Central Administrative Agencies. This Advisory Council will also have as its task to work out within the framework of general principles laid down by the Control Council the details of a provisional constitution. The principles referred to will conform to such directives on the subject as may be issued by the Council of Foreign Ministers.

The United States Delegation makes the following statement regarding this and subsequent parts of this report. The U.S. Delegation has agreed to the preparation of a provisional constitution on the understanding that it shall be general in nature and shall contain no more than the minimum required to operate the provisional government for the short time needed for the preparation of a permanent constitution.

The Soviet Delegation in agreeing with paragraph 3 considers that the Control Council will define a more concrete form and procedure of consultation on the part of the Advisory Council.

No agreement was reached on:

### Paragraph 2 - Composition of the Council

#### C. Establishment of Provisional Government

No agreement was reached on this section.

#### D. Provisional Government

No agreement was reached on this section.

#### E. The Division of Powers Between the Provisional Central Government and the Lander Governments

##### 1. The basic principle of the division

No agreement was reached on this paragraph.

##### 2. Powers of the Central Government

All Delegations agreed on the following texts:  
Introductory paragraph:

"The Soviet, United Kingdom, United States and French Delegations agree that: The Central government shall be competent to adopt legislative and executive measures in order to ensure the unity necessary in the following fields:"

"a. To ensure the political unity necessary" (The rest of this sub-paragraph was not agreed).

"b. To ensure the legal unity necessary:

"The French, United States, Soviet and United Kingdom Delegations consider that the Council of Foreign Ministers should define the extent to which the Central German Government should be responsible for ensuring legal unity. They have therefore accepted the following text: fundamental principles of criminal, civil and commercial law; copy-rights, patents and trademarks; negotiable instruments, bills of lading and other documents of title of goods.

"c. To ensure the economic unity necessary:

- (1) The Soviet, French, United States and United Kingdom Delegations have agreed to place within the competence of the Central Government, customs, foreign trade, import and export control, and weights and measures."

(The subsequent subparagraphs of c were not agreed)

"d. To ensure the financial unity necessary:

- (3) The Soviet, French, U.S. and United Kingdom Delegations consider it necessary that the question of a budget for common purposes should also be included within the competence of the Central Government."

(The preceding subparagraphs of d were not agreed)

The agreement on these points is subject to the general reservations of the French and U.S. Delegations mentioned in subparagraphs e and f.

No agreement was reached on the remaining parts of subparagraphs a, c and d.

Paragraph 3 - Powers of the Laender Governments

No agreement was reached on this paragraph.

The Four Delegations agree that the document CFM/47/121 (Form and Scope of Provisional Political Organizations of Germany) was already referred to the Deputies by a decision of the Council at the 27th Meeting.

(At its 123rd Meeting on 28/30 May 47, Minute (269) (E), the Coordinating Committee agreed to take no action on Part III which was the concern of the Deputies of the Foreign Ministers.)

PART IVLIQUIDATION OF PRUSSIA

The Council of Foreign Ministers confirmed at its 1st Meeting on 10 March 1947 the Control Council Law on the Liquidation of Prussia.

The Deputies recommend that this decision be notified to the Control Council.

(At its 123rd Meeting on 28/30 May 47, Minute (260) (g), the Coordinating Committee agreed to note Part IV.)

PART VPROCEDURE FOR THE PREPARATION OF THE GERMAN PEACE TREATY

(CMA/47/11/125)

The Deputies have considered the document on the procedure for the preparation of the German Peace Treaty. This document contains points of agreement and disagreement. The United States, French and Soviet Deputies recommend that the Council should remit the document to the Deputies for further consideration. The United Kingdom Deputy reserved his position on this proposal.

The United Kingdom Deputy makes the reservation that agreement on parts of this document does not mean that parts of the procedure for a German peace treaty should be put into operation before there is agreement on the whole procedure.

(At its 123rd Meeting on 28/30 May 47, Minute (269) (f), the Coordinating Committee agreed to take no action on Part V which was the concern of the Deputies of the Foreign Ministers.)

Appendix B  
to CORC/F(47)121  
(Attachment to CHM/47/1/159)

ARTICLE 16 bis

Transfer of Persons of German Origin

(Reichsdeutsche und Volksdeutsche)

1. Austria undertakes to complete, within the period determined by the Control Council for Germany, the transfer from Austria of German nationals (Reichsdeutsche) who are subject to transfer to Germany in accordance with existing inter-Allied agreements, including decisions of the Control Council for Germany.

2. Austria also undertakes to co-operate in carrying out the plans made or to be made by the Control Council for Germany for the transfer to Germany of Volksdeutsche whose transfer is provided for by existing inter-Allied agreements, including decisions of the Control Council for Germany.

3. The provisions of this Article shall not apply to persons who fall within the categories of exemptions approved by the Allied Commission for Austria.

(At its 123rd Meeting on 28/30 May 47, Minute (269) (a), the Coordinating Committee agreed that the instructions on the determination of conditions necessary for the resettlement in Germany of certain persons from Austria should be forwarded to the Prisoners of War and Displaced Persons Directorate for submission of recommendations in consultation with the Manpower Directorate.)

COORDINATING COMMITTEEDate of Departure of the Next Inter-Allied Inspection Commission for Checking the Liquidation of German War Industrial Potential in Accordance with Directive No.39

(Note by the Allied Secretariat)

1. In accordance with CORC/M(47)17, Conclusion (168)(b), the Economic Directorate at its 96th and 97th Meetings on 18 April and 24 April 1947 discussed the above subject and agreed to instruct the Committee for the Liquidation of German War Potential to dispatch the Quadripartite Inspection Commission under Directive No. 39 by 5th May 1947.
2. It was also agreed at this Meeting on 18 April to forward their discussion and resulting decisions to the Coordinating Committee. The text of this discussion and the resulting decision is attached at Appendix "A".
3. The Economic Directorate at its 98th and 99th Meetings on 10 May and 14 May 1947 discussed the failure of the Committee for the Liquidation of War Potential to dispatch the inspection teams in accordance with its decision (paragraph 1 above).
4. In accordance with CORC/M(47)26 Conclusion (264), the Economic Directorate at its 100th Meeting on 22 May 1947 again discussed this matter but was unable to reach agreement and agreed to forward the report attached at Appendix "B" to the Coordinating Committee.
5. This paper is submitted for the consideration of the Coordinating Committee at its 123rd Meeting on 28 May 1947. \*)

R. G. RAINJ. M. LORET, Lieutenant ColonelN. D. KOSIENKO, Lieutenant ColonelP. W. VAN WAGENEN

Allied Secretariat

CORC/P(47)129

\*) see page 109

Appendix "A" to  
CORC/P(47)129

COORDINATING COMMITTEE

Date of Departure of the Next Inter-Allied Inspection  
Commission for Checking the Liquidation of German War  
Industrial Potential in Accordance with Directive No. 39

1. The Economic Directorate, at its Ninety-sixth meeting held on 18 April 1947 (DECO/M(47)20, para 124) considered DECO/P(47)75.

2. DECO/M(47)20, para 124, as amended by DECO/M(47)21, para 131 (1) is quoted below for information.

"At the request of the Chairman, the Directorate considered DECO/P(47)75 next.

"The Chairman noted that the Committee for the Liquidation of German War Potential's inspection commission under Directive No. 39 had not yet complied with the instructions of the Coordinating Committee in Decision (168)(b) of CORC/M(47)17 and he proposed that the Economic Directorate instruct this Commission to begin its work immediately, and in any event not later than 5 May, on the basis of the list of plants now available to it.

"The Soviet Member expressed the opinion that the recent emphasis on the departure of this Commission served only to conceal the inactivity of the Committee for the Liquidation of German War Potential. Of 465 war plants listed in the three Western Zones for liquidation, only 50 had been approved for inspection by the War Plants Bureau, while in the Soviet Zone 60 had been approved. He recommended, therefore, that, before the Commission departed, three-quarters of all listed Category I and II plants be approved for inspection by the War Plants Bureau. If such a number of plants could not be approved, he could agree to any other number of plants in Category I and II which would be proportionate to the number of plants in each Zone; thus, equal conditions would apply to each Delegation.

"The French Member agreed with the U.S. Member that the Commission should be instructed to depart as soon as possible. He stated he saw no objections that the percentage between plans of liquidation approved by the Committee for Liquidation of War Potential and the number of plant

to be liquidated be the same for all four Zones. He further declared that if the figure of three-quarters of all listed Category I and II plants was agreed by the Economic Directorate it could not be implemented before 5 May without leading to the approval of the plans for liquidation which cannot be completed due to the absence of allocation of equipment from many plants,

"The British Member called the attention of the Economic Directorate to the discussion of the dispatch of the Quadripartite Commissions under Directive No. 39 at the 113th Meeting (CORC/II(47)17, Minute 118), and at the 116th Meeting of the Coordinating Committee on 2 April 1947 (CORC/II(47)20, Minute 189), and expressed his agreement with the U.S. and French Members that the Commission should be dispatched as soon as possible. He agreed also with his Soviet Colleague that the Committee for the Liquidation of German War Potential should be instructed to expedite its work on the approval for inspection of plants in Categories I and II. He pointed out that 140 plants for the British Zone and 152 plants for the U.S. Zone had been submitted to the War Plants Bureau and that many of these would have been approved by the Bureau but for the refusal by the Soviet Representative to approve, for inspection purposes liquidation plans which did not provide for the destruction of the buildings. He proposed that the Bureau should be directed that approval for purposes of inspection of plants on the British and American lists should not be withheld on this ground. This would automatically add some 50 plants to the British plants available for choice by the Bureau. He suggested that the Committee for Liquidation of War Potential should select the necessary 36 plants for one tour as soon as 9 plants in each Zone were available to be chosen. In reply to the Soviet contention that it was unfair to choose 9 plants in each Zone when the disparity between the numbers approved in different Zones was so great and the statement by the Soviet Member that he could accept the British proposal if the Soviet were permitted to withdraw plants from its submitted list to equalize the numbers, the British Member said that for this occasion only and in order to insure the early dispatch of teams he would not withhold agreement to this but insisted that this should not be taken as a precedent.

"The Soviet Member, in reply to the British statement, pointed out, that the Soviet delegation, in approving the liquidation plans, based its action on the provisions of Directive No. 39, considering that the plans of liquidation submitted by the delegations should be implemented in practice to their full extent in accordance with the provisions in regard to each category of plants as indicated in the above-mentioned Directive. Therefore, it cannot agree to the submission of liquidation plans which are not compiled in accord with quadripartitely approved papers.

"The U.S. Member stated that he could not concur in the proposal to withdraw any plants from the list of plants available for inspection by the Commission. He felt that action of this character would set an unfortunate precedent and would not be in accordance with the agreed terms of reference of the Commission, which provide for selection of plants from the consolidated lists of Categories I and II. He expressed the view that the work of the Commission would be meaningless unless it had the right to select plants on the widest possible basis. Accordingly, he felt that the Commission should select the plants to be inspected from the list submitted by the Zone Commanders without regard to whether liquidation plans for these plants had been formally approved by the War Plants Bureau.

"The Soviet Member stated that he was unable to accept the U.S. proposal as it is not in accordance with Directive No. 39, according to which the sending of Inter-Allied Inspection Commissions for Checking the Liquidation of German War Industrial Potential depends on the availability of the liquidation plans (Section III, paragraph D, Directive No. 39).

"The U.S. Member pointed out that the provisions of Directive No. 39 regarding Inter-Allied Inspection Commissions were not dependent on the preparation of liquidation plans for the particular plants, the Directive merely providing that the teams should inspect "the degree of liquidation and of production of plants in Categories I and II. Accordingly, all plants in Categories I and II in all four Zones, whether or not in production and whether or not liquidation plans had been prepared should be open to inspection by the Commission.

"After considerable discussion,

"(124) THE DIRECTORATE:

- (a) agreed to instruct the Committee for the Liquidation of German War Potential to expedite the approval of the maximum number of Category I and II plants for inspection, and to refer any questions of disagreement in connection with this to the Economic Directorate.
- (b) agreed to instruct the Committee for Liquidation of German War Potential to dispatch the Quadripartite Inspection Commission under Directive No. 39 by 5 May 1947.

Appendix "B" to  
CORC/P(47)129

COORDINATING COMMITTEE

Date of Departure of the Next Inter-Allied Inspection  
Commission for Checking the Liquidation of German War  
Industrial Potential in Accordance with Directive No. 39

In response to the instructions of the Coordinating Committee (CORC/M(47)26, para 264), the Economic Directorate at its 100th Meeting prepared the attached report setting out the views of the different Delegations on the reasons why the Quadripartite Commissions had not been sent out in accordance with the instructions of the Coordinating Committee.

(a) Statement by the Soviet Delegations

The delay in dispatch of the commissions has occurred in connection with the fact that in the discussion of the question connected with the dispatch of the commissions differences arose, particularly with regard to the interpretation of Directive No. 39.

The position of the U.S. Delegation, which refused to include in the liquidation plan for Category I plants located in the U.S. Zone a provision for destruction of production buildings of these plants as provided for by Directive No. 39, resulted in a deadlock in the work of compiling the liquidation plans for Category I plants.

The Soviet Delegation considered that the success of the work of the Inspection Commissions depends on how far the work on compilation of plans for liquidation of war plants has advanced because the object of the Commissions is to check the progress of liquidations of war industrial potential in accordance with Directive No. 39 and not to check separate measures taken individually in the Zones independent of the general plan and Directive No. 39.

The Soviet Delegation did not object and does not object to immediate dispatch, simultaneously into the four Zones, of the second group of Inter-Allied Commissions on the checking of liquidation of German war potential in the Zones as it is provided for in Directive No. 39. However, the Soviet Delegation insists on the necessity of creating minimum conditions in which the commissions could effectively carry out their work. Basing itself on the above, the Soviet Delegation

makes the following proposal:

1. To complete by 1 July 1947 the liquidation plan for plants of Category I,

2. To consider the report of the first group of the Inter-Allied Commissions regarding their inspection in the four Zones made in January, inst., the results of which have not as yet been considered by the Directorate and submitted to the Coordinating Committee for informations.

3. Immediately submit to the Coordinating Committee for its decision serious disagreements between the delegations with regard to the interpretation of Directive No. 39 insofar as it refers to the question of destruction of production buildings and installations of war plants which could become insurmountable obstacles in the work of the second group of the Inter-Allied Commissions if this question is not resolved prior to the departure of these commissions,

4. Instruct the Committee for the Liquidation of War Potential to dispatch the second group of the Inter-Allied Commissions simultaneously into the four Zones of Occupation.

The Soviet Delegation does not connect the dates of departure of the second group of commissions with the full completion of the plan for liquidation of plants or the entire solution of the question referred to in paras. 2 and 3 above. It only insists on the necessity of taking a decision in principle at the Economic Directorate on all proposals stated above with regard to selection of 'plants to be visited' by the commissions. The Soviet Delegation considers that the Coordinating Committee's instructions (CORC/P(47)103) are absolutely clear and does not consider that there are differences amongst the delegations with regard to selection of plants,

(b) Statement by the U.S., French and British Delegations

1. The British, French and U.S. Delegations considered that the principal reason why the commissions had not been dispatched has been the failure to agree on the methods of selection of the plants to be visited. In DECO/P(47)84 the Committee for the Liquidation of German War Potential informed the Economic Directorate that, while the U.S., British and French Delegates were in agreement to send the Inspection Commissions, the Soviet Delegate was also in agreement to send the Inspection Commissions, but only on condition that the percentage of approved liquidation plans for plants on the basis

or the total number of plants would be the same for all four Zones, The British, French and U. S. Delegations maintain that all plants listed in Categories I and II in any Zone are available for selection for inspection by the Commissions, irrespective of whether liquidation plans have been presented or whether liquidation plans have been approved or of the percentage of approved plans in relation to the total number of plants in any Zone. It follows that these three delegations regard the question of the destruction of buildings as imposing no obstacles to the dispatch of the Inspection Commissions\*

2. The French Delegation agrees with the Soviet Delegation that Directive No. 39 prescribes the destruction of industrial buildings except in exceptional cases for permitted peace-time industries. It is of the opinion that the question is not of a general retention of buildings which could possibly be used for these purposes but for specific cases which the Zone Commanders must justify before the Control Council. The French Delegation, nevertheless, feels that differences on this point of view cannot prevent the sending of the commissions.

3. The U.S. and British Delegations reject this view that Directive No. 39 requires the destruction of buildings of all Categories I and II war plants, considering that it is within the discretion of a Zone Commander to determine which buildings may be converted and retained in accordance with the Rules for Liquidation, Category I, paragraph 3 (a) of Directive No. 39. The decision of a Zone Commander in this regard would be subject to review by the Allied Control Authority but would not require prior approval by the Allied Control Authority.

4. The relevant passages of Directive No. 39 are Part II - Rules for Liquidation, and relevant paragraphs of the General Instruction for Inspection Commissions, approved by the Economic Directorate on 18 April and accepted by the Coordinating Committee on 29 April, are paras. 5 and 8 (CORC/P(47)103, Appendix "C").

2 June 1947

CORC/M(47)27

COORDINATING COMMITTEEMINUTES

of the

One Hundred and Twenty Third Meeting

held in Berlin on 28 and 30 May 1947 at 1430 hours

274. DATE OF DEPARTURE FOR THE NEXT INTER-ALLIED INSPECTION  
COMMISSION FOR CHECKING THE LIQUIDATION OF THE GERMAN WAR  
INDUSTRIAL POTENTIAL IN ACCORDANCE WITH DIRECTIVE NO. 39

The Meeting considered CORC/P(47)129.

THE MEETING:

(274) agreed

(a) to instruct the Economic Directorate

- (i) to complete the liquidation plan for plants in Category I (Directive 39) and to submit it by 1 July 1947 to the Coordinating Committee;
- (ii) to consider and to forward to the Coordinating Committee the report of the first group of Inter-Allied Commissions regarding inspections made in the four zones in January;
- (iii) to dispatch the second group of Inter-Allied Commissions simultaneously so that they will be in the four zones of occupation by 8 June 1947 to operate under the terms of Directive 39.

(b) to consider at the next Meeting the interpretation of Directive 39, particularly in connection with the destruction of Buildings.