

CONTROL COUNCILLAW NO. 53Amendment to the Insurance Tax Law of 9 July 1937

THE CONTROL COUNCIL ENACTS AS FOLLOWS:

ARTICLE I

The following provisions of the Insurance Tax Law of 9 July 1937 are hereby repealed:

Subparagraph 2 of paragraph 1 of Article 2 which reads as follows:

"A capital accumulation contract or a savings insurance contract without taking over a risk (i.e. building savings contract)".

Subparagraph 10 of paragraph 1 of Article 6 which reads as follows:

"The tax rates of insurance compensation for:
10. A capital accumulation contract 2%".

ARTICLE II

All German legislation inconsistent with this law is repealed or amended in accordance with the provisions of this law.

ARTICLE III

This law shall come into force on the date of its publication.*)

Done at Berlin 31 May 1947.

SHOLTO DOUGLAS
Marshal of the Royal Air Force

R. NOIRET
General de Division
for P. KOENIG, General D'Armee

V. SOKOLOWSKI
Marshal of the Soviet Union

LUCIUS D. CLAY
General

*) "The date of publication is 5 June 1947
1947 at 1800 hours".

CONF/P(47)30 Final
31 May 1947

CONTROL COUNCILResignation of the Oberbuergermeister of Berlin

(Note by the Allied Secretariat),

1. At its 123rd Meeting on 28th May 1947 the Coordinating Committee considered the question of the resignation of the Oberbuergermeister of Berlin, i.e. CCRC/P(47)124, but was unable to reach an agreement.

2. A record of the discussion on this subject, which took place at the above-mentioned meeting of the Coordinating Committee, is attached hereto as Appendix A,

3. This paper and CCRC/P(47)124 are submitted for consideration by the Control Council at its 62nd Meeting on 31 May 1947.*)

R.G.RAW

H.J.JOOS

N.D.KOSTENKO, Lieutenant Colonel

R.W.VAN WAGENEN.

Allied Secretariat

CONL/P (47)27

*) see page 125

Resignation of the Oberburgermeister of Berlin

(Extract from Minutes CORC/M(47)27)

The Meeting considered CORC, E(47)124. *)

The CHAIRMAN suggested three alternative methods of dealing with the paper. Firstly to discuss the matter in principle, secondly to defer discussion of the paper until the next Meeting when the paper on Powers of the Allied Kommandatura (which included the question of "prior approval") would be considered, or thirdly -- a course which the CHAIRMAN preferred -- to instruct the Allied Kommandatura: (a) to approve Dr. Ostrowski's resignation and (b) to recognize Frau Schroeder as Acting Oberburgermeister.

General KEATING agreed to the CHAIRMAN's second proposal. As to the third, he recommended that the Allied Kommandatura (a) accept Dr. Ostrowski's resignation, (b) recognize Frau Schroeder as Acting Oberburgermeister, and (c) instruct the Magistrat to proceed without delay to the election of a new Oberburgermeister.

General DRATVIN preferred the CHAIRMAN's third proposal with a small amendment: to substitute the word "recognize" by the word "approve", relating to the appointment of Frau Schroeder.

Following discussion on this point in which the word "confirmed" was suggested and agreed by Generals KEATING and ROBERTSON, General BAPST added his approval to the CHAIRMAN's third alternative proposal.

General DRATVIN remarked that he understood that the appointment of Frau Schroeder had been "confirmed".

General KEATING said that the Coordinating Committee should "re-recognize" Frau Schroeder. He had not spoken of "approval". He was prepared to confirm what had been done by the Magistrat on the understanding that this did not prejudice the views which might be expressed when discussing the matter of principle later on. This was a very important issue, as in the Allied Kommandatura the Soviet Delegate would not accept Dr. Ostrowski's resignation unless the election of Frau Schroeder was approved. This was one of the conditions to which

*) see pages 116-124

the U.S. Delegation was objecting. He therefore asked, if the Coordinating Committee would be willing to approve the resignation of Dr. Ostrowski and to instruct the Allied Kommandatura to elect a new Oberburgermeister, leaving Frau Schroeder out of the issue,

General ROBERTSON asked 'that an instruction should be sent to the Kommandatura stating simply what was required and without allowing themselves to be involved in a tiresome argument on words, i.e.,

(1) to accept Dr. Ostrowski's resignation,

(2) to permit Frau Schroeder to act as Oberburgermeister,

(3) to instruct the Magistrat to proceed with the election of a new Oberburgermeister.

General KEATING agreed.

General DRATVIN was unable to understand why it should not be possible to state authoritatively that the Coordinating Committee "approved" the appointment. He proposed, firstly, to approve the resignation of Dr. Ostrowski, and secondly, pending the election of a new Oberburgermeister to approve the appointment of Frau Schroeder as the new Oberburgermeister of Berlin,

General ROBERTSON then stated this meant that if General DRATVIN insisted on resolving this matter of principle in the wording of the decision there could be no agreement. He could not understand why it should not be possible to accept his proposal without deciding the matter of principle,

General DRATVIN asked why it was not possible to agree to his proposal, which he considered correct and based on fact. He could see no particular divergencies on the whole question.

General ROBERTSON agreed that there was no divergence in this case and that all of them were agreed that Dr. Ostrowski must resign; that Frau Schroeder must act as Oberburgermeister; and that a new Oberburgermeister must be elected. He pointed out that the difficulty arose when General DRATVIN insisted on the word "approved" in relation to the appointment of Frau Schroeder. He quite agreed that the question of principle must be resolved, but it was entirely wrong to

hold up all action in the Allied Kommandatura while the Coordinating Committee argued on the question of principle. His proposal was simply as follows:

- (a) that Dr. Ostrowski's resignation should be accepted;
- (b) that Frau Schroeder should be accepted as Acting Oberburgermeister pending the election of a new one, which should be done as quickly as possible.

General KEATING and General BAPST agreed.

General DRATVIN requested an explanation as to why there should be hesitation over using the word "approved", either in relation to the resignation of Dr. Ostrowski or in relation to the appointment of his successor.

General KEATING said he did not consider it necessary to mention the case of Frau Schroeder because Article 12, paragraph (3) of the Berlin Constitution provided that one of the three deputies should serve in the absence or incapacity of the Oberburgermeister.

In that case, General DRATVIN stated, the Coordinating Committee had no right to accept the resignation of Dr. Ostrowski.

General KEATING denied this, stating that Dr. Ostrowski had resigned under Article 36 of the Constitution and that the Coordinating Committee was therefore authorized to accept his resignation.

General DRATVIN referred to Article 3 of the Berlin Constitution, in which it was stated that an elected official must remain in office and exercise his duties pending the assumption of duties by a newly elected official.

General KEATING agreed that it was correct that Article 3 of the Berlin Constitution required the elected official to remain in office until a new one was elected. However, in this case Dr. Ostrowski had been given six months leave of absence and Frau Schroeder had taken his place in accordance with the provisions of Article 12.

General BAPST proposed informing the Allied Kommandatura that the Coordinating Committee noted the resignation of Dr. Ostrowski and the fact that Frau Schroeder was Acting Oberburgermeister.

This was not acceptable to General DRATVIN.

General KEATING then suggested that the Coordinating Committee approve Dr. Ostrowski's resignation, instruct the Allied Kommandatura to proceed promptly with the election of a new Oberburgermeister, and that the Coordinating Committee consider Frau Schroeder's case at the same time as the Committee discussed the question of principle.

General DRATVIN stated that the fact that the Oberburgermeister had been sent on leave did not relieve him of his office. The City of Berlin required at least a temporary Oberburgermeister. According to the spirit of the Berlin Constitution, the old Oberburgermeister should only be considered released when the appointment of the new Oberburgermeister had been approved.

Following a proposal by the CHAIRMAN that the Allied Kommandatura should be informed that the Coordinating Committee had been unable to agree, General DRATVIN proposed, and

THE MEETING:

(275) agreed to refer the paper to the Control council, together with the discussion,

COORDINATING COMMITTEEResignation of the Oberbuergemeister of Berlin

(Note by the Allied Secretariat)

1. At their Meetings on 22 and 28 April 1947, the Commandants of the Allied Kommandatura were unable to reach an agreement concerning the resignation of the Oberbuergemeister of Berlin.

2. All four Commandants were prepared to accept the resignation of the Oberbuergemeister. However, they were unable to reach agreement on the following questions, and therefore the resignation of the Oberbuergemeister was not confirmed.

- (i) Shall the resignation of the Oberbuergemeister of Berlin be accepted with or without the conditions or provisos as to the procedure of installing his successor as shown in question (ii) (1) below ?
- (ii)(1) Is it necessary that an elected Oberbuergemeister receive the specific unanimous quadripartite approval of the Commandants of the Allied Kommandatura before he takes office.
- (2) Or, alternatively, may he promptly assume the office to which he has been elected, reserving to the Allied Kommandatura the right, by unanimous post disapproval on the part of the four Commandants, to remove him from office?
- (iii) In what way should it be determined as to which of the three Deputies to the Oberbuergemeister should exercise the functions of Oberbuergemeister of Berlin in the interim between the acceptance of the resignation and the installation of the successor, in view of the serious objections which the Soviet Commandant has to one of them?

3. The opinions of the Commandants are attached hereto as appendices:

- Appendix "A" British opinion
- Appendix "B" French opinion
- Appendix "C" Soviet opinion
- Appendix "D" U.S. opinion.

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

R.G.RAW

J.M.LOIRET, Lieutenant Colonel

N.D.KOSTENKO, Lieutenant Colonel

R.W.VAN WAGENEN

Allied Secretariat

CORC/P(47)124

Resignation of the Oberbuergermeister of BerlinBritish Opinion

1. The resignation of the Oberbuergermeister, and subsequent approval of the resignation by the Allied Kommandatura are governed by Article 36 of the Constitution.
2. Election of the new Oberbuergermeister cannot take place until the resignation of Dr. Ostrowski has been fully effected. Full effect of the resignation is not achieved without Allied Kommandatura approval (Article 36 of the Constitution).
3. In the view of the British Delegation, the new Oberbuergermeister's election to office by the City Assembly of Deputies should not be subject to prior approval by the Allied Kommandatura since this would infringe the Constitutional rights accorded to the people of Berlin by the Constitution of 1946.
4. The rights of the Allied Kommandatura are safeguarded should an unsatisfactory Oberbuergermeister be elected. In this event he can be removed by quadripartite agreement.
5. With regard to the functions of the Oberbuergermeister which are to be carried out in his absence by one of his Buergermeisters and referred to in paragraph 2(iii) of the cover note, the British view is that this matter is governed by Article 12 of the Constitution of Berlin.

Resignation of the Oberbuergemeister of BerlinFrench Opinion

1. The resignation of the Oberbuergemeister is covered by Article 36 of the Constitution, which contemplates the approval of the resignation by the Allied Kommandatura.

Whatever manoeuvres of the Assembly may have preceded the resignation of Dr. Ostrowski, and may have raised doubt as to whether this was a morally free action, the French delegation accords to it unconditional approval.

2. With regard to the election of a new Oberbuergemeister the Constitution does not explicitly require prior approval on the part of the Allied Kommandatura. However, Article 36 provides that all enactments of a legislative nature passed by the City Assembly, the ordinances and instructions of the Magistrat, the resignation of the Magistrat or of one of its members, the resignation or dismissal of a leading official (Leitende Personen), require its approval. It would be absolutely illogical to exempt from the approval of the Allied Kommandatura the election of members of the Magistrat, and in particular the election of the Oberbuergemeister and for leading officials, having no responsibility, to be subject to such approval, while executive bodies which bear this responsibility are exempt.

Consequently, the French delegation is of the opinion that the new Oberbuergemeister should receive the unanimous approval of the Commandants prior to his assuming office.

3. The appointment of the interim Oberbuergemeister is controlled by Article 3, paragraph 3 of the Constitution:

"The elected members will remain in office until the newly elected representatives and members of the Magistrat have been obligated".

On these grounds, Dr. Ostrowski should be requested to continue his functions pending the installation of his successor.

Resignation of the Oberbuergemeister of BerlinSoviet Opinion

The Soviet Delegate considers that, since the last Meeting, a study of the documents connected with the resignation of Dr. Ostrowski from the post of Oberbuergemeister of Berlin provided grounds for the following conclusions:-

1. The demand for his resignation was not made in the interest of the public. No charges have been made against Dr. Ostrowski on the basis of which, according to Article 9 of the Temporary Berlin Constitution, the City Assembly had the right to request Dr. Ostrowski's resignation from the Magistrat.
2. In affecting Dr. Ostrowski's resignation from his post of Oberbuergemeister, at least three infringements of the basic provisions of the Temporary Constitution of Berlin have been permitted:
 - (a) A special Committee as provided by Paragraph 2, Article 9 of the Temporary Constitution of Berlin had not been created and a constitutional investigation of the actions of Dr. Ostrowski have not been made.
 - (b) Dr. Ostrowski had not been heard by the City Assembly as provided by paragraph 2, Article 10 of the Temporary Constitution of Berlin.
 - (c) When the City Assembly took a decision on the resignation of Dr. Ostrowski firstly, some deputies were absent, and secondly a majority of two-thirds of the votes of the City Assembly had not been obtained as provided by paragraph 2 Article 9 of the Temporary Constitution of Berlin.
3. The resignation of the Oberbuergemeister, Dr. Ostrowski, should therefore be considered unconstitutional and unfounded by the Allied Kommandatura.
4. In view of the above, all responsibility for the break in the normal responsibility of the city administration must be placed on the SPD faction.

The Soviet Delegation is of the opinion that the following solution to these problems should be adopted by the Commandants:-

- (a) to approve the resignation of the Oberbuergemeister Dr. Ostrowski with an expression of thanks for his work while Oberbuergemeister,
- (b) pending the approval of a new Oberbuergemeister by the Allied Commandatura to require Dr. Ostrowski to continue his duties as Oberbuergemeister of Berlin,
- (c) to point out to the City Assembly that Article 9 of the Temporary Constitution of Berlin had been violated by them in deciding the question of the resignation of the Oberbuergemeister, Dr. Ostrowski.

Resignation of the Oberbuergemeister of BerlinU.S. Opinion

1. The American Delegate is of the opinion that this issue is much broader in scope than a matter of interpretation of the Berlin Constitution. It strikes the very root of democratic procedure and resolves to the basic disagreement of prior or post approval of practically every move on the part of city officials which has plagued the Allied Kommandatura for months. It violates the principles agreed at Potsdam which are proclaimed in Section III:

"It is the intention of the Allies that the German people be given the opportunity to prepare for the eventual reconstruction of their life on a democratic and peaceful basis. If their own efforts are steadily directed to this end, it will be possible for them in due course to take their place among the free and peaceful peoples of the world."

and which is reaffirmed under paragraph A 9 (1) in the statement that:

"Local self-government shall be restored throughout Germany on democratic principles and in particular through elective councils as rapidly as is consistent with military security and the purposes of military occupation."

2. Specifically, however, these events developed at the meeting of the Allied Kommandatura held on 28 April 1947:

a. The British, French and American delegations approved Dr. Ostrowski's resignation without reservations, as provided for in Article 36 of the Berlin Constitution.

b. The Soviet delegation also approved the resignation but only under three conditions:

- (1) that the name of the candidate for the office to be vacated by Dr. Ostrowski be submitted by the City Assembly to the Allied Kommandatura for approval prior to his assumption of office;

- (2) That the present acting Oberbuergemeister, Dr. Friedensburg, be forbidden to act as the "ad interim" acting Oberbuergemeister and that Deputy Oberbuergemeister Frau Louise Schroeder be designated by the Kommandatura as the acting Oberbuergemeister;
- (3) That a reprimand be sent to the City Assembly for alleged constitutional violations.

These "terms" are in themselves anti-democratic and indicative of lack of basic understanding of quadripartite and democratic procedure. They can only be accepted as intentions to confuse the simple issue of approval or non-approval of acceptance of the voluntary resignation of Dr. Ostrowski.

3. With reference to condition (1) of the Soviet delegation's terms, the American delegation cites that the Constitution of Berlin does not in any article specify that elected persons have to be approved by the Allied Kommandatura. It has been maintained by the Soviet delegation that the clause in Article 36, which requires approval of legal enactments, refers to the election of members of the Magistrat and to internal administrative matters. This is erroneous, as an election is not a legal enactment; an election is not legislation within the meaning of the English language. Also, it is not "Gesetzliche Bestimmung" (General Statutory Provision), which is the specific term used in the official German text. An election is an act of constitutional procedure.

4. No comment need be made about the second element of the Soviet delegation's terms as it is obviously unconstitutional.

5. With reference to the third element of the Soviet delegation's terms, the American delegate has no objection to referring to the Local Government Committee of the Allied Kommandatura for investigation and report the question as to whether or not the constitution was violated in this case.

6. The case briefly summarizes to the fact that Oberbuergemeister Ostrowski submitted a letter of resignation to the Allied Kommandatura in which he voluntarily resigned under Article 36 of the Berlin Constitution. He stated that his resignation was occasioned by a vote of non-confidence in him by the City Assembly which had elected him. He also stated that he was "persuaded" to do so. Doubtless, if he had not resigned, he would have been impeached and dismissed under Article 9 of the Constitution and, if so, Article 36 of the Constitution provides that such a decision must be approved by the Allied Kommandatura.

7. The United States delegation has never questioned the right of the Allied Kommandatura to take any action which would nullify, abrogate or vitiate a previous act, or proposed action, by a city official or the Stadtverordnetenversammlung of Berlin. It has insisted that prior approval of the Allied Kommandatura is not required except in the following cases:

Article 11 (1)	dismissal of the Magistrat;
Article 21	approval of the Chief Statues of the City;
Article 36	confirmation of legal enactments of the Assembly; ordinances and instructions issued by the Magistrat which implement such legal enactments; alterations in the Constitution; appointment and discharge of certain city officials and resignation of the Magistrat or any of its members; appointment and discharge of leading city officials of the city administration.

8. The United States position therefore resolves as follows:

(a) The resignation of Oberbuergemeister Ostrowski should be accepted without qualification by the Allied Kommandatura.

(b) The City Assembly should determine who will serve as the "ad interim" Oberbuergemeister, and approval of the candidate by the Allied Kommandatura is not necessary.

(c) The election of the new Oberbuergemeister should be accomplished without delay, and the results promptly reported to the Allied Kommandatura.

(d) It still adheres to the policy announced by the Allied Kommandatura in its letter accompanying the election regulations which provided that it was intended to "restore self-government to Berlin", and in the letter accompanying the constitution to "give political independence to the people of Berlin."

3 June 1947

CONL/M(47)12

CONTROL COUNCILMINUTES

of the

Sixty-Second Meeting

held in Berlin on 31 May 1947 at 1430 hours

57. RESIGNATION OF THE OBERBUERGERMEISTER OF BERLIN

The Meeting considered CONL/P(47)27.

THE MEETING:

(64) agreed

- (1) To instruct the Allied Kommandatura of Berlin
 - (a) to approve the resignation of Dr. OSTROWSKI from the post of Oberbuergermeister of Berlin;
 - (b) to charge Frau SCHROEDER to perform temporarily the duties of Oberbuergermeister;
 - (c) to instruct the Municipal Assembly that it carry out the election of the new Oberbuergermeister, and that the newly elected Oberbuergermeister receive the approval of the Allied Kommandatura.
- (2) To instruct the Coordinating Committee to amend Conclusion (57) of CONL/M(47)12 in conformity with decision (64) (1) above.*)

*) At its 125th Meeting on 17 June 1947 the Coordinating Committee confirmed the Minutes of the 62nd Meeting of the Control Council, it being understood that Conclusion (57) would be amended in accordance with Conclusion (64) of CONL/M(47)13. (CORC/M(47)29; (305))

CONTROL COUNCILReport by the Coordinating Committee to the
Control Council on Receipt of Papers from
the Secretariat of the Moscow Conference
and Action Thereon

(Note by the Allied Secretariat)

I. The Allied Secretariat has received from the General Secretariat of the Council of Foreign Ministers the following papers containing the instructions of the Council of Foreign Ministers to the Control Council:

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

2. At its 123rd Meeting on 28 May the Coordinating Committee considered these instructions (CORC/M(47)27 (Minute 269)) and hereby reports to the Control Council that the necessary action has been taken.

R. G. RAW

H. J. JOOS

N. D. KOSTENKO, Lieutenant Colonel

R. W. VAN WAGENEN

Allied Secretariat

CONL/T(47)31

3 June 1947

CONL/M(47)12

CONTROL COUNCIL

MINUTES

of the

Sixty-Second Meeting

held in Berlin on 31 May 1947 at 1430 hours

56. REPORT OF COORDINATING COMMITTEE TO CONTROL COUNCIL ON RECEIPT OF PAPERS FROM SECRETARIAT OF MOSCOW CONFERENCE AND ACTION TAKEN

The Meeting considered CONL/P(47)31.

. . . Marshal SOKOLOVSKY wished to add an additional item to the decision of the Coordinating Committee, namely to request Zone Commanders to submit periodic reports to the Control Council on the implementation of the agreed decisions of the Council of Foreign Ministers on the question of Displaced Persons.

. . .

THE MEETING:

(56) agreed:

- (a) to note the action taken by the Coordinating Committee; and
- (b) to accept Marshal SOKOLOVSKY's proposal in principle, and to request the Coordinating Committee to consider in what form and how often Zone Commanders' reports on Displaced Persons should be rendered, *)

*)

see pages 147-149

COORDINATING COMMITTEEDraft Regulations for International Telephone and Telegraph Services Terminating in Germany

(Note by the Allied Secretariat)

1. At its 99th Meeting on 16th January 1947 the Coordinating Committee approved in principle the opening of international telephone and telegraph services for the German population and instructed the Directorate of Internal Affairs and Communications to fix a date for the opening of the services and to take such other action as might be necessary to implement this decision.

2. At its 70th Meeting on 29th April 1947 the Directorate of Internal Affairs and Communications agreed the regulations for these services attached at Appendix "A".

3. The U.S., British and French Members of the Directorate approved the following additional paragraphs:-

New paragraph 9.1.4:

"Outgoing communications made by persons referred to in paragraph 5.1, subparagraph (v), may be paid in Reichsmarks provided that expenses incurred in foreign currencies shall not exceed the credits in foreign currencies allocated to the Zone concerned, resulting from terminal tele-communications operations".

New paragraph 10.2:

"The mark being for the present excluded from external financial settlements, and the dollar having been adopted as the currency for bookkeeping purposes for foreign trade, it is possible to convert into dollars the sums calculated in gold francs applying the ratio of 1 dollar to 3,06977 gold francs".

The Soviet Member did not consider it necessary to include these paragraphs in the Draft Regulations as he felt that they should be added only if the Coordinating Committee agreed to their inclusion.

4. The Directorate agreed to inform the Coordinating Committee that established unilateral communications between the United States

and Germany were a temporary measure and that these communications would be handed over to the Reichspost. In this connection the U.S. Member made the following statement:-

"The draft regulations (Appendix "A") were drawn up as an implementing measure to the Coordinating Committee's decision approving in principle the opening of international terminal communications services between Germany and the world, excluding Japan, Spain, and their dependencies.

"In order to render such services to all permitted countries simultaneously and to satisfy the repeated urgent requests from the permitted countries for these services, it is necessary to utilize the facilities presently controlled and operated by international carriers which render services to the forces of occupation. These facilities may be used to render services to the German population, pending such time as the operation of these services is taken over by the Reichspost or other arrangements are made with the Reichspost for maintaining continuity of operation. Such carriers will be licensed by the Zonal Commander having jurisdiction over the areas in which such facilities are located."

5. This paper and the regulations attached at Appendix "A" are submitted for consideration by the Coordinating Committee at its 123rd Meeting on 28 May 1947. *)

R. G. RAN

J. M. LOIRET, Lieutenant Colonel

N. D. KOSTENKO, Lieutenant Colonel

R. V. VAN WAGENEN

Allied Secretariat

CORC/P(47)15/1

*) Consideration of CORC/P(47)15/1 took place at the 124th Meeting of the Coordinating Committee (see page 138)

COORDINATING COMMITTEEDraft Regulations for International Telephone and Telegraph
Services Terminating in Germany1. GENERAL PRINCIPLES

1.1 Telegraph and telephone services may be opened between Germany and foreign countries, except Japan, Spain and their dependencies, beginning from 15 June 1947.

1.2 The Allied Communications and Posts Committee must authorize each telephone or telegraph circuit.

2. ORGANIZATIONS RESPONSIBLE

2.1.1 The Allied Communications and Posts Committee will be responsible for the coordination of international telephone and telegraph services. It will prepare the draft agreements with foreign countries for the opening of circuits, especially with regard to circuit terminals, routes and rates, and it will regulate the principles of their operation, organization and control.

2.1.2 It will ensure, when necessary, that the Allied Control Authority is represented at the meeting of international telecommunication organizations with which the Allied Control Authority has decided to maintain relations.

2.1.3 All communications to the International Telecommunications Union at Berne and to foreign countries will be conducted in the name of the Allied Communications and Posts Committee.

2.2 The Allied Communications and Posts Committee will transmit to the Military Government authorities of the zones the orders and instructions relative to the International Telecommunications Services. These authorities will transmit them for action to the Central German organizations of the Zones.

2.3 The Allied Communications and Posts Committee at its discretion, may devolve any of these responsibilities to appropriate subordinate bodies.

3. OPENING OF INTERNATIONAL CIRCUITS

3.1 Consideration will be given to establishment of a new circuit in the following cases:

*) Revised in accordance with DIAC/LCPC/P(47)200; 3rd Revision of 2 July 1947 (Ed)

(i) Receipt of a request indicating the information shown at Appendix "I", from a foreign administration or private company.

(ii) Receipt of a proposal through the Directorate of Internal Affairs and Communications.

(iii) Proposal by a member of the Allied Communications and Posts Committee.

4. TECHNICAL ARRANGEMENTS

4.1 Apart from exceptional departures from routine, due to reasons of urgent necessity, establishment and maintenance of international telephonic and telegraphic communications shall conform to the recommendations of the Comites Consultatifs Internationaux Telephonique (CCIF) and Telegraphique (CCIT).

4.2 A control station or sub-control station shall be designated in each of the occupied zones traversed. The function of these stations shall be as stated in the White Book of CCIF (Copenhagen 1936: vol. 1 b, p. 404, French edition).

4.3 These stations will be instructed specifically to cooperate with the control station and the sub-control station of the neighboring countries on the technical operational measures relative to the establishment of new circuits and to their maintenance.

4.4 The interchange of specifications of circuits essential to initial connections (See White Book above-mentioned, vol. 1 b, p. 411 and following pages in the French edition) shall take place between the authority of the neighboring foreign country and the telecommunication organization of the adjacent occupied zones.

5. CLASSES OF USERS AND COMMUNICATIONS TO BE ACCEPTED

5.1 Classes of Users Authorized in Germany

- (i) Allied Occupation Troops and Allied Military Administrations.
- (ii) Governmental (official) representatives of the four Allied powers.

- (iii) Military Missions of the United Nations, diplomats accredited to the Allied Control Authority for Germany, and governmental (official) and trade representatives of member nations of the United Nations not provided for in paragraph 5.1 (ii).
- (iv) Authorized Deutsche Post Officials concerned with the provision, operation and maintenance of international telephone and telegraph services. (Service communications only).
- (v) German Public. Lists of persons authorized to use international telecommunications paid for in Germany must be approved by the Zone Commander for his Zone of Occupation; in the case of Berlin, by the appropriate Sector Commander.

5.2. Categories of Services

Initially, categories of service shall be admitted as shown in the Table at Appendix "II". Other categories may be opened from time to time upon specific authorization by the Allied Communications and Posts Committee.

5.3. Contents of Messages by or for the Civilian Population of Germany

Communications may be sent or received by the civilian population of Germany. The character of their contents must not violate any law in force in Germany. Commercial messages are permitted, provided such messages relate to such transactions as may be legal under laws and regulations of the Allied Control Authority. Military Government and German law at present in force provided that all values earned abroad resulting from such transactions shall accrue exclusively 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 communications regarding German external assets even if only of a simple informational character.

6. OPERATION

6.1. The operation of international telephone and telegraphic communications shall conform to censorship regulations of the Allied Control Authority.

6.2 Subject to the provisions of the preceding sub-paragraph, such operation will conform to the Madrid Convention of 1932 and to the Telephonic and Telegraphic Regulations (Revision of Ceiro 1938) and to recommendations of the CCIF and CCIT.

6.3 Connection between a subscriber in Germany and a subscriber outside of Germany must necessarily pass through a manual trunk exchange in Germany.

6.4 The Zone Commanders and the Allied Kommandatura for Berlin will take necessary action regarding exchange of telephone directories and nomenclatures of telegraph offices.

6.5 The Secretary of the Allied Communications and Posts Committee will notify the various foreign Administrations of the legal time in Germany.

7. PROXIMITY CIRCUITS

Proximity circuits will be established under the same conditions other international circuits, and will be subject to the customary rules of operation for proximity circuits.

8. TARIFFS

8.1 Tariffs reckoned in gold francs

The tariffs (reckoned in gold francs) in force for international telephone calls and telegrams shall be based on the agreements that were in existence on 1 Sept 1939 (1 March 1938 for Austria and Czechoslovakia) or established by special agreements approved by the Allied Communications and Posts Committee.

8.2 Tariff Zones

With certain exceptions, the zones that were in existence before the war, for the purpose of telephonic communication charges will apply.

8.3 Tariffs levied in Reichsmarks

Without prejudice to the question of the gold-franc equivalent of the Mark the rates levied in Marks will, temporarily, be doubled with respect to those in effect in 1939.

9. FINANCIAL PROVISIONS

9.1.1. The foreign exchange costs for official messages sent by persons in categories (i) and (ii) in Paragraph 5.1. should be borne by Germany as external occupation costs, and should be financed by the Occupying Power sending the message.

9.1.2. The foreign exchange costs for official messages sent by persons in category (iii) should also be borne by Germany as external occupation costs and financed by the Military Mission or government sending the message.

9.1.3 The messages described in category (iv) are free of charge, under existing international regulations.

9.1.4 Outgoing communications made by persons referred to in paragraph 5.1, sub-paragraph (v) may be paid for in Reichsmarks provided that expenses incurred in foreign currencies shall not exceed the credits in foreign currencies allocated to the Zone concerned, resulting from terminal telecommunications operations.

9.2. Net credit or debit balances arising from the operation of international telephone and telegraph services, will be allocated to the Zone Commander and in the case of Berlin, to the appropriate Sector Commander having jurisdiction over the office of origin or office of termination of the message.

10. SETTLEMENT OF INTERNATIONAL PAYMENTS

The settlement of payments for international telephone and telegraph services shall be effected in accordance with the Cairo Conference Regulations (1938) for Telephone and Telegraph and with its Final Protocol.

11. METHODS OF ACCOUNTING FOR INTERNATIONAL TELECOMMUNICATIONS

Methods of accounting for international communications and rules for settlement of accounts etc., will be determined by the Allied Communications and Posts Committee in connection with the Finance Directorate.

12. CHANGES IN REGULATIONS

Amendments of a technical nature, if necessary, may be made to these regulations by the Allied Communications and Posts Committee.

(ORIGIN OF REQUEST)

Appendix "I"

[Redacted]

(Date)

SUBJECT: International Telecommunications

TO : Duty Secretary, Allied Communications and Posts Committee, Directorate of Internal Affairs and Communications, Allied Control Authority Building, 32 Elsholzstrasse, Berlin-Schoeneberg (1), Germany.

1. Circuit Terminals: _____ to _____
(Terminal City) (Terminal City)

2. TYPE CIRCUIT NO. TELEPHONE CKTS. NO. TELEGRAPH CKTS.

Two Wire: _____

Four Wire: _____

Carrier: _____

Direct Current: _____

Super Phantom: _____

Voice Frequency: _____

Sub-Audio: _____

3. Desired Routings: _____

4. Frontier Station: _____

5. Control Station: _____

6. Official to be Contacted:

(Name)

(Title)

(Address)

(Telephone No.)

7. *Tariff Zone Applicable: _____

8. Remarks: _____

Note: Separate Sheet to be used for each pair of terminals.

* Item 7 - To be filled in only when one of the terminals of the circuit is in Germany. Where zonal tariff system is not in effect, give rate for standard 3 minute telephone call, and/or standard 10 word telegram.

Appendix "II"INTERNATIONALLY RECOGNIZED CATEGORIES OF TELECOMMUNICATIONS SERVICES
(as defined in Cairo Conference 1938)Categories of Telephone Calls and Telegrams admitted in
the International Telecommunications of GermanyTELEPHONE SERVICES

1. Ordinary private calls
2. Urgent private calls
3. Urgent aircraft calls
4. Government calls
5. Urgent Government calls
6. Service calls
7. Reversed-charge calls (*1)
8. Requests for information

TELEGRAPH SERVICES

9. Ordinary private telegrams
10. Urgent private telegrams
11. Telegrams with prepaid reply (*2)
12. Telegrams with collation
13. Telegrams with acknowledgment of receipt
14. Telegrams forwarded at sender's order (*3)
15. Telegrams reforwarded at addressee's order (*3)
16. Multiple telegram
17. Presstelegrams
18. Meteorological telegrams
19. Government telegrams
20. Official telegrams and service messages
21. Paid-service notices
22. Telegram to be delivered by telephone
23. General delivery telegrams
24. Day delivery telegram
25. By hand delivery
26. Open telegram

LEGEND:

- *1 - Only outgoing admitted (payment is made abroad)
 *2 - Only incoming admitted (payment is made abroad)
 *3 - Reforwarding admitted only within Germany.

* See page

9 June 1947

CORC/M(47)28

COORDINATING COMMITTEE

MINUTES

of the

One Hundred and Twenty Fourth Meeting

held in Berlin on 7 June 1947 at 1430 hours

292. DRAFT REGULATIONS FOR INTERNATIONAL TELEPHONE AND TELEGRAPH SERVICES TERMINATING IN GERMANY

The Meeting considered CORC/P(47)15/1.

THE MEETING:

- (292) (a) approved in principle the draft regulations*) for International Telephone and Telegraph Services terminating in Germany, subject to the amendments which had been agreed at the preceding Meeting;
- (b) instructed the Allied Committee on Posts and Communications to make the necessary amendments to paragraph 5.3 for the admission of transactional correspondence to these services;
- (c) authorized the Allied Committee on Posts and Communications to make the necessary amendments to these regulations, of a technical character only, whenever this became necessary,

*) see pages 130-137

CONTROL COUNCIL

LAW NO. 51

Amendment to Control Council Law No. 27
"Tax on Alcohol"

THE CONTROL COUNCIL ENACTS AS FOLLOWS:

ARTICLE I

Paragraph 1 of Article I of Law No. 27 is hereby repealed and replaced by the following:-

- "1. Beverage alcohol: 11,470 RM
Alcohol contained in schnapps issued to miners as ration shall be exempt from this tax."

ARTICLE II

Done at Berlin the 10th day of June 1947.

P. KORNIG
General d'Armee

M. I. DRATVIN
Lieutenant General
for V. SOKOLOVSKY
Marshall of the Soviet Union

LUCIUS D. CLAY
General

B. H. ROBERTSON
Lieutenant General
for SIR SHOLTO DOUGLAS
Marshal of the Royal Air Force

"The date of publication is 16 June 1947 at 1800 hours"

CONL/P(47)34 Final

CONTROL COUNCILDirective No.53Revision of Directive No. 3 - Establishing the Allied Secretariat

THE CONTROL COUNCIL DIRECTS AS FOLLOWS:

1. A permanent Allied Secretariat is hereby established under the Control Council. Each of the members of the Control Council shall designate a Secretary and members of the staff of the Secretariat.
2. Each of the four Secretaries will act in rotation as Chief Secretary of the Allied Secretariat, and will, during his tenure of this office, be responsible for coordinating the work of the four Secretaries.
3. The functions of the Secretariat shall be:
 - (a) To arrange for meetings; prepare and distribute agenda; prepare, distribute, and review for coordination and conformity with prescribed procedure, papers presented for the consideration of the Coordinating Committee and Control Council; prepare and distribute Minutes of Coordinating Committee and Control Council Meetings.
 - (b) To provide interpreting and translation services for the Control Council, the Coordinating Committee and the organs of the Allied Control Authority.
 - (c) To maintain files and records for the Control Council, the Coordinating Committee, and the organs of the Allied Control Authority.
 - (d) To supervise the activities of Secretariats below the Coordinating Committee level.
 - (e) To perform such other services as the Coordinating Committee may prescribe.

4. The Allied Secretariat shall serve as the channel of communication between:

- (a) The Control Council, the Coordinating Committee, and other organs of the Allied Control Authority.
- (b) The Control Council, the Coordinating Committee, and other organs of the Allied Control Authority on the one hand, and on the other:
 - (1) the United Nations Military Missions accredited to the Control Council;
 - (2) the United Nations organizations admitted to Germany by the Control Council;
 - (3) quadripartite Control Commissions of other countries;
 - (4) the Governments of countries other than the four occupying powers, through the Political Directorate;
 - (5) Zone Commanders, through the appropriate national element of the Allied Secretariat;
 - (6) any other persons or organizations to whom any quadripartite body of the Allied Control Authority agrees to address correspondence.

5. The Secretariat shall establish its own procedure.

6. The Coordinating Committee will supervise the organization and operations of the Allied Secretariat,

7. This Directive rescinds and replaces Directive No. 3,

Done at Berlin the 17th of June 1947.

P. NOIRET
Major General

M. I. DRATVIN
Lieutenant General

F. A. KEATING
Major General

N. C. D. BROWNJOHN
Major General

for B. H. ROBERTSON
Lieutenant General

CORC/P(47)131 Final
17 June 1947

COORDINATING COMMITTEEPUBLICATION OF THE SUPPLEMENT TO CONTROL COUNCIL
DIRECTIVE NO. 14

(Note by the Allied Secretariat)

1. At its 75th Meeting on 7 September 1946, the Coordinating Committee considered the draft supplement to the Directive No. 14^{*}) on the Allied Wage Policy, the purpose of which was to permit the reduction of maladjustments and inequities in the German wage structure and to introduce a modest degree of flexibility that did not appear feasible during the early months of the occupation, but was considered to be essential at that time.

2. By Conclusion (502 (b)) of CORC/M(46)46, the Coordinating Committee instructed the Allied Secretariat to prepare this supplement in the form of a confidential Directive to the Zone Commanders and to the Kommandatura.

3. The Manpower Directorate, at its 63rd Meeting on 12 May 1947, agreed to submit to the Coordinating Committee the following unanimous recommendations:

"CORC/M(46)46, Minute 502(b) decided that the Supplement to Directive No. 14 should be issued as a confidential Directive to Zone Commanders. It is considered that the danger of publication of the Supplement being regarded as an invitation to make demands for wage increases has now passed. The contents of the Supplement have gradually become known in the ordinary course of events and in certain cases advantage has already been taken of some of the permissive clauses in the Supplement. It is considered that the withholding of a formal announcement as to the contents of this item of permissive legislation cannot be defended indefinitely and it is felt that the time has now come for the Coordinating Committee to authorize the deletion of the word "confidential" from their decision, thus permitting the actual contents of the Supplement to be released at least in official publications".

4. This paper is submitted for consideration by the Coordinating Committee at its 125th Meeting on 17 June 1947.**)

J. M. LOIRET, Lieutenant Colonel,

N. D. KOSTENKO, Lieutenant Colonel.

H. A. GERHARDT, Colonel.

R. G. RAW.

Allied Secretariat
CORC/P(46)285/1

*) see page 146
**) see page 143

19 June 1947

CORC/M(47)29

COORDINATING COMMITTEE

MINUTES

of the

One Hundred and Twenty-Fifth Meeting

held in Berlin on 17 June 1947 at 1430 hours

315. PUBLICATION OF THE SUPPLEMENT TO CONTROL COUNCIL DIRECTIVE NO. 14

The Meeting considered CORC/1(46)285/1.

THE MEETING:

- (315) (a) agreed that the Supplement to Directive No. 14 should no longer be classified as confidential;
- (b) instructed the Allied Secretariat to inform the Zone Commanders and the Kommandatura of this decision;
- (c) agreed that the Supplement to Directive No. 14 should not be published in the official Gazette of the Control Council.

COORDINATING COMMITTEEAMENDMENT TO DIRECTIVE NO. 14 - ALLIED WAGE POLICY

(Note by the Allied Secretariat)

1. The attached paper, recommending the amendment of Directive No. 14 covering Allied Wage Policy was considered by the Manpower Directorate at its 31st Meeting on the 20th June, 1946. The changes in wage policy here recommended are designed to permit the reduction of maladjustments and inequities in the German wage structure and to introduce a modest degree of flexibility that did not appear feasible during the early months of the occupation, but is considered to be essential at the present time.

2. The paper was approved by the U.S., British and Soviet Delegates, but the French Delegate made one reservation that the last sentence of paragraph (f) of article 3 should be altered to read:-

"The new tariffs will be approved by the Allied Control Authority".

3. This paper was submitted by the Manpower Directorate to the Economic and Finance Directorates for comment.

4. The Economic Directorate agreed

to draw the attention of the Manpower Directorate to the fact that in deciding the question of the branches of industry in which changes of wages are contemplated it should consult the Price Control Sub-Committee of the Economic Directorate.

5. The Finance Directorate agreed to state that

(a) The French, British and U.S. Delegates on the Finance Directorate consider that the proposed measures for wages must not result in the increase of the general level of wages by more than 5%. In their opinion it is not within the scope of the Finance Directorate, but in the competence only of the Manpower Directorate to decide among the several measures proposed which, if any, shall have priority for implementation.

(b) The Soviet Delegate on the Finance Directorate considers that the wages of women and minors may be raised to the same level as those paid to men, for identical work with identical productivity, independently of the actual average level of wages.

At the same time he considers that the measures proposed by the Manpower Directorate to equalize wages in the various branches of industry should be carried out on the condition that the existing average wage level is maintained in order to avoid undesirable consequences of inflation.

6. With regard to the observations mentioned in paragraphs 4 and 5 above the Manpower Directorate comments as follows:-

(a) Paragraph 4

In determining the branches of industry in which changes are contemplated the Manpower Directorate will expect to consult, through its Wage and Labor Standards Committee, with the Price Control Sub-Committee of the Economic Directorate.

(b) Paragraph 5

The Manpower Directorate will endeavour to assure that the aggregate of wage adjustments to be approved under the revisions of wage policy will not exceed the limit contemplated by the Finance Directorate.

7. The attached paper is submitted for consideration by the Coordinating Committee at its 75th Meeting.

K. G. EXILM, Brigadier

J. L. BLUDIER, Consul General

M. M. IDASHKIN, Major

H. A. GERHARDT, Colonel

Allied Secretariat

CORC/P(46)285

3 Sep 1946

COORDINATING COMMITTEESUPPLEMENT TO DIRECTIVE NO. 14

Para. 3 of Directive No. 14 forms the subject of the following supplement:

(e) The wages of women and minors may be raised to the same level as paid to men for identical work with identical productivity.

(f) Wages in certain industries can be increased or decreased if necessary to correct maladjustments or eliminate inequities. Such industries will be designated by the Allied Control Authority who will also determine the limits of permissible deviation from current wage rates, and if considered necessary fix a date before which the new rates shall not become effective. Employers and trade unions may then negotiate new tariffs within the aforesaid limits under the supervision of the appropriate German authorities. Copies of the new tariffs will be deposited with the Allied Control Authority within 15 days of their becoming effective.

(g) Increases to bring wages up to 50 pfgs. per hour will be permitted for workers who receive less than that amount and whose earnings are not adequately supplemented by free meals, lodging or other perquisites, or are not compensated by a very low cost of living.

(h) Zone Commanders may re-define industrial areas as employed for purposes of wage control, where justified by changes in economic conditions.

All changes in the Tariff Orders relating to (e), (g) and (h) of the present paragraph shall be reported to the Manpower Directorate.

CORC/1(46)285

COORDINATING COMMITTEEImplementation of the Decision of the Control Council
Regarding the Instructions of the Council of Foreign
Ministers on Transfer of Populations

(Note by the Allied Secretariat)

1. At its 124th Meeting on 6 June 1947, the Coordinating Committee, in conformity with the decision of the Control Council (CONL/M(47)12, Conclusion (56) (b)), considered a paper on the above subject. Unable to arrive at an agreement, the Committee agreed to postpone consideration of this question, so as to give each delegate the opportunity of consulting his Commander in Chief (CORC/M(47)28, Minute 293).

2. At its 63rd Meeting the Control Council agreed (CONL/M(47)13, Minute 63):*)

- (a) that the reports of the Zone Commanders would deal with all the questions which came under Instructions (1) and (2) (a), (2) (b), and (2) (c) of Item 4, Paragraph I, Part I, of Appendix "A" of CORC/P(47)121;
- (b) to instruct the Coordinating Committee to decide on the form and the frequency of the reports to the Control Council.

3. In accordance with this decision, this paper is submitted for the consideration of the Coordinating Committee at its 125th Meeting on 17 June 1947. **)

J. M. LOIRET, Lieutenant ColonelN. D. KOSTENKO, Lieutenant ColonelH. A. GERLARDT, ColonelMr. R. G. RAW

Allied Secretariat

CORC/1(47)136/1

*) see page 149

**) see page 148

19 June 1947CORC/M(47)29COORDINATING COMMITTEEMINUTES

of the

One Hundred and Twenty-Fifth Meeting

held in Berlin on 17 June 1947 at 1430 hours

306. IMPLEMENTATION OF THE DECISION OF THE CONTROL COUNCIL REGARDING
THE INSTRUCTION OF THE COUNCIL OF FOREIGN MINISTERS ON TRANSFER
OF POPULATIONS

The Meeting considered CORC/1(47)136/1.

THE MEETING:

(306) agreed to request the Zone Commanders to produce their first report for 1 October 1947, indicating that as to form this report is to be so drafted as to provide for replies to all the questions contained in CFM/M/47/148 (Appendix "A" of CORC/1(47)121), Part I, Paragraph I, Item 4, and further qualified by Conclusion (63) (a) of CONL/M(47)13.

11 June 1947CONL/M(47)13CONTROL COUNCILMINUTES

of the

Sixty-Third Meetingheld in Berlin on 10 June 1947 at
1430 hours

63. IMPLEMENTATION OF THE DECISION OF THE CONTROL COUNCIL REGARDING
THE INSTRUCTIONS OF THE COUNCIL OF FOREIGN MINISTERS ON TRANSFER
OF POPULATIONS

THE MEETING:

- (63) (a) agreed that the reports of the Zone Commanders would deal with all the questions which came under Instructions (1) and (2) (a), (2) (b), (2) (c), of Item 4, Paragraph I, Part I of Appendix "A" of CORC/P(47)121; *)
- fb) Instructed the Coordinating Committee to decide on the form and the frequency of the reports to the Control Council,

*) see pages 85-87; 126-127