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ENACTMENTS AND APPROVED PAPERS  
OF THE  
CONTROL COUNCIL AND COORDINATING COMMITTEE  
GERMANY  
FOR YEAR 1945

g/f 1  
Including certain of the basic documents  
constituting the authority  
of the Control Council

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CONTROL COUNCIL

LAW NO. 5

## VESTING AND MARCHILLING OF GERMAN EXTERNAL ASSETS

Whereas the Control Council is determined to assume control of all German assets abroad and to divest the said assets of their German ownership with the intention thereby of promoting international peace and collective security by the elimination of German war potentials.

Now, therefore, the Control Council, in accordance with the decisions of the Potsdam Conference and the political and economic principles by which it is necessary to be guided in dealing with this problem, enacts as follows:

## Article I

A German External Property Commission (hereinafter referred to as "the Commission") composed of representatives of the Four Occupying Powers in Germany is hereby constituted.

For the purpose of carrying out the provisions of this Law the Commission is constituted as an inter-governmental agency of the Control Council vested with all the necessary powers and authority.

## Article II

All rights, titles and interests in respect of any property outside Germany which is owned or controlled by any person of German nationality inside Germany are hereby vested in the Commission.

## Article III

All rights, titles and interests in respect of any property outside Germany which is owned or controlled by any person of German nationality outside Germany or by any

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branch of any business or corporation or other legal entity organised under the laws of Germany or having its principal place of business in Germany are hereby vested in the Commission.

For the purpose of this Article the term "any person of German Nationality outside Germany" shall apply only to a person who has enjoyed full rights of German citizenship under Reich Law at any time since 1 September 1939 and who has at any time since 1 September 1939 been within any territory than under the control of the Reich Government but shall not apply to any citizen of any country annexed or claimed to have been annexed by Germany since 31 December 1937.

#### Article IV

The Commission has power by unanimous agreement from time to time to add to the categories of persons to be affected by Articles II and III of this Law unless such addition is vetoed by the Control Council within 30 days of agreement by the Commission.

#### Article V

The question of whether or not any compensation shall be paid to any person whose right, title or interest in any property has been vested in accordance with this Law will be decided at such time and in such manner as the Control Council may in the future determine.

#### Article VI

The right, title and interest to all property, title to which has been vested in the Commission, under this Law, or the proceeds of such property, shall be held by the Commission and disposed of pursuant to such further directives as the Control Council may issue from time to time.

#### Article VII

In addition to the general powers contained in Article I of this Law the Commission shall be vested

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with the following specific powers which it may exercise directly or through any agency which it deems appropriate -

- (a) to do all acts which it deems necessary or appropriate to obtain possession or control over all property, the right, title or interest in which is vested in the Commission under this Law;
- (b) to operate, control and otherwise exercise complete dominion over all such property, including where this is essential to the preservation of the value represented by the property, the sale, liquidation or other disposal thereof subject to the provisions of Article VI;
- (c) to require the keeping of full records, and to seize or require the production of any books of account, records, contracts, letters, memoranda, or other papers relating to any property affected by this Law and to compel the attendance of witnesses and to require the furnishing of full information regarding such property;
- (d) to require information, evidence and records with regard to any property outside Germany, in whole or in part, of all persons covered by Articles II and III hereof.

#### Article VIII

The work within any zone of occupation of marshalling and recording the evidence with respect to Germany's external assets shall be the responsibility of the Commander-in-Chief for that zone.

The Commission may request Zone Commanders to conduct certain investigations either alone or in conjunction with investigations being conducted in other zones, and further, may itself conduct joint investigations in cases

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where the evidence is contained in more than one zone subject to the authority of the Commander-in-Chief in any zone in which such joint investigation is being conducted.

#### Article IX

Articles II and III of this Law shall not apply to assets subject to the jurisdiction of the United Kingdom, British Dominions, India, Colonies and Possessions, the Union of Soviet Socialist Republics, the United States, France and any other United Nations determined by the Central Council.

#### Article X

For the purposes of this Law -

- (a) the term "person" shall include any natural person or collective person or any juridical person or entity under public or private law having legal capacity to acquire, use, control or dispose of property or interests therein; and any government, including all political sub-divisions, public corporations, agencies and any instrumentalities thereof.  
Any juridical person or entity which is organized under the laws of, or has its principal place of business in Germany, shall be deemed to be a person of German nationality within the meaning of Article II hereof.
- (b) The term "property" shall include all movable and immovable property and all rights and interests in or claims to such property whether returned or not, including all property, rights, interests or claims transferred to or held by third parties as nominees or trustees and all property, rights, interests or claims transferred by way of gift or otherwise or for consideration, express or implied, but not including the rights or interests of third parties to a bona fide sale for full consideration, and

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shall include but shall not be limited to buildings and lands, goods, wares and merchandises, chattels, coin, bullion, currency, deposits, accounts or debts, shares, claims, bills of lading, warehouse receipts, all kinds of financial instruments whether expressed in Reichsmarks or in any foreign currency, evidences of indebtedness or ownership of property, contracts, judgments, rights in or with respect to patents, copyrights, trademarks, etc., and in general property of any nature whatsoever.

#### Article XI

It shall be an offence -

- (a) For any person whose property is affected by this Law to do or to attempt to do any act or make any omission in derogation of the title or interest of the Commission under Articles II and III, or
- (b) To assist or conspire with any other person to do or to attempt to do any such act or make such omissions as are specified in this Article.

#### Article XII

Any person violating any provision of this Law shall be liable to criminal prosecution.

#### Article XIII

All provisions of laws or decrees or parts thereof which are contradictory to any one of the provisions of this Law or of any law or decree issued under the provisions of this Law are hereby declared null and void.

Done at Berlin 30 October 1945

(GML/P(45)39(Revise))