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PART VI

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SUBJECT: FINANCE

POTSDAM AGREEMENT2 August 1945Currency and Banking, Central Taxation and CustomsPART III, B. 14

During the period of Occupation, Germany shall be treated as a Single Economic Unit. To this end, common policies shall be established in regard to:

(e) currency and banking, central taxation and customs;

In applying these policies, account will be taken, where appropriate, of varying local conditions

SUBJECT: FINANCE

DATE: 10 October 1945

LAW NO. 2

PROVIDING FOR THE TERMINATION AND LIQUIDATION OF THE NAZI ORGANIZATIONS

The Control Council enacts as follows:

ARTICLE I

1. The National Socialist German Labor Party, its formations, affiliated associations and supervised agencies, including para-military organizations and all other Nazi institutions established as instruments of party domination are hereby abolished and declared illegal.

2. The Nazi organizations enumerated in the attached Appendix, or which may be added, are presently abolished.

3. The reforming of any of the organizations named herein, whether under the same or different name is forbidden.

ARTICLE II

All real estates, equipments, funds, accounts, records and other property of the organizations abolished by this law are confiscated. Confiscation is carried out by Military Commands; general directives concerning the distribution of the confiscated property are given by the Control Council.

ARTICLE III

Until such time as the property mentioned is actually placed under the control of the Military Commands all officers and other personnel, including administrative officials and others accountable for such property are held personally responsible for taking any action necessary to preserve intact all such property and for complying with the orders of the Military Commands regarding such property.

ARTICLE IV

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

Done at Berlin 10 October 1945 (OONL/P(45)144)

APPENDIX 'A' to
OONL/P(45)144

1. Nationalsozialistische Deutsche Arbeitspartei
2. Partei-Kanzlei
3. Kanzlei des Fuehrers der NSDAP
4. Auslandsorganisation
5. Volkbund fuer das Deutschtum im Ausland
6. Volksdeutsche Mittelstelle
7. Parteiatische Pruefungskommission zum Schutze des NS-Schrifttums
8. Reichsorganisationsleiter der NSDAP
9. Reichsschatzmeister der NSDAP
10. Beauftragter des Fuehrers fuer die Ueberwachung der gesamten seelischen und weltanschaulichen Schulung und Erziehung der NSDAP
11. Reichspropagandaleiter der NSDAP
12. Reichsleiter fuer die Presse, und Zentralverlag der NSDAP (Zher Verlag)
13. Reichspressechef der NSDAP
14. Reichsamt fuer das Landvolk
15. Hauptamt fuer Volksgesundheit
16. Hauptamt fuer Erzieher
17. Hauptamt fuer Kommunalpolitik
18. Hauptamt fuer Beamte
19. Beauftragter der NSDAP fuer alle Volkstumsfragen
20. Rassenpolitisches Amt der NSDAP
21. Amt fuer Sippenforschung
22. Kolonialpolitisches Amt der NSDAP
23. Ausserpolitisches Amt der NSDAP
24. Reichstagsfraktion der NSDAP
25. Reichsfrauenfuehrung
26. NSD-Dozentenbund
27. Hauptamt fuer Technik
28. NS-Bund Deutscher Technik

29. NS-Lehrerbund
30. Reichsbund der Deutschen Beamten
31. Reichskolonialbund
32. NS-Frauenenschaft
33. NS-Reichsbund Deutscher Schwestern
34. Deutsches Frauenwerk
35. Reichsstudienfuehrung
36. NSD-Studentenbund
37. Deutsche Studentenschaft
38. NSD-Dozentenbund
39. NS-Rechtswahrerbund
40. NS-Altherrenbund der Deutschen Studenten
41. Reichsbund Deutsche Familie
42. Deutsche Arbeitsfront
43. NS-Reichsbund fuer Leibbesetzungen
44. NS-Reichskriegerbund
45. Reichskulturkammer
46. Deutscher Gemeindegang
47. Geheime Staatspolizei
48. Deutsche Jagdenschaft
49. Sachverstandigenbeirat fuer Bevoelkerungs- und Rassenpolitik
50. Reichsausschuss zum Schutze des Deutschen Blutes
51. Winterhilfswerk
52. Hauptamt fuer Kriegspfer
53. NSKKV (NS-Kriegspferversorgung)
54. SA (Sturmabteilungen), including the SA-Wehrmannschaften
55. SS (Schutzstaffeln), including all Waffen-SS, the SD (Sicherheitsdienst) and all offices combining command over the police and SS
56. NSKK (NS-Kraftfahrerkorps)
57. NSFK (NS-Fliegerkorps)
58. HJ (Hitler-Jugend) including its subsidiary organizations
59. RAD (Reichsarbeitsdienst)
60. OT (Organisation Todt)
61. THNO (Technische Nothilfe)

NOTE: Control Council Law No. 9 dealing also with FINANCE is listed under "ECONOMICS", page 96.

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SUBJECT: FINANCE

DATE: 20 December 1945

CONTROL COUNCIL LAW NO. 1020 December 1945Punishment of Persons Guilty of War Crimes
Against Peace and Against Humanity

(CONC/P(48)10 Final)

The only pertinent reference contained in this Law deals with the confiscation of property belonging to persons guilty of War Crimes against Peace and against humanity.

ALLIED CONTROL COUNCIL, BERLIN, 1947

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SUBJECT: FINANCE

DATE: 29 April 1947

CONTROL COUNCIL

Directive No. 50

29 April 1947

Disposition 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 1 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 1 of Control Council Proclamation No. 2 and Article 1 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 Land 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 sold 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.

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.

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SUBJECT: FINANCE

DATE: 29 April 1947

CONTROL COUNCILDirective No. 50 (cont'd.)

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 Lands 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 restitution,

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. KEATING
Major General

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

P. NOHRT
Major General

F. A. KURCHIKIN
Colonel General

CORC/P(46)281 Final
29 April 1947.

ALLIED CONTROL COUNCIL, BERLIN, 1948

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SUBJECT: FINANCE

DATE: 15 January 1948

DIRECTIVE NO. 57

DISPOSITION OF PROPERTY CONFISCATED UNDER CONTROL COUNCIL LAW NO. 10 OR LEGISLATION ISSUED PURSUANT TO CONTROL COUNCIL DIRECTIVE NO. 38

Pursuant to Control Council Law No. 10 and Control Council Directive No. 38, the Control Council directs as follows:

ARTICLE I

All property in Germany of whatever nature arising from the confiscation of property suffered by persons under Control Council Law No. 10 or legislation issued pursuant to Control Council Directive No. 38, shall be disposed of as provided by this Directive.

ARTICLE II

1. Title to property not subject to disposal or use under Article IX having belonged to a trade union, cooperative, political party, or any other democratic organization before it became the property of any person referred to in Article I hereof shall be transferred 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, the 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 IX 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 for this purpose shall be transferred to the organizations formerly holding title thereto or to a new organization or organizations on condition that, in the latter case, the Zone Commander finds that the aims and purposes of these organizations are similar to those of the old organization and conform to the principle of the democratization of Germany or may, 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 article II and III above shall be transferred without charge, except that the Zone Commanders may, within their discretion, require that the transferee pay or assume liability for any or all debts or 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 IX 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 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 or unauthorized 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, to be expended in a manner which, in the opinion of the Zone Commander, is not an improper or unauthorized use of the proceeds.

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. When title to the property is transferred to the Land or Province,

a. Specific charges and encumbrances, whether incurred prior or subsequent to confiscation, 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, and

b. The receiving Land or Province shall accept liability for the debts of any person whose property it receives under this Article provided, however, that this liability shall not exceed the value of the property of such person received by the Land or Province, taking into account any encumbrances on that property and provided further that in the case of partial confiscation of property no liability for debts, under this paragraph, shall attach until creditors have exhausted all remedies against the person whose property was partially confiscated. The total of such payments of debts of a person for which it has accepted responsibility, shall ultimately be borne by the Governments of the Land or Provinces

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ALLIED CONTROL COUNCIL, BERLIN, 1948

SUBJECT:

FINANCE

DATE: 15 January 1948

receiving the property proportionately to the value of the property of such person 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 debts 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

The Zone Commander and in Berlin, Sector Commanders, shall take measures to ensure the disposition and 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 shall be disposed of according to the same principles as are herein prescribed for property for the rest of Germany. For this purpose, the powers given to the Zone Commanders will in Berlin be exercised by the respective Sector Commanders. The functions, powers, and obligations placed upon the Government of a Land or Province will in regard to property in Berlin devolve upon the respective administrative districts. (Verwaltungsbezirke).

ARTICLE VIII

1. When an order involving confiscation of property has been made against any person either by a tribunal empowered under Control Council Law No. 10 or under procedure lawfully established under Control Council Directive No. 38, the following course shall be observed in each of the four zones:

a. When an order of this kind has been made and has become final, a copy of it shall be transmitted to each of the four zones and sectors,

annexing an inventory describing the property of the convicted person in each of the four zones so far as it is known to it.

b. On receipt of this copy and the inventory, copies thereof will be transmitted to all the Land Governments in whose jurisdiction any property of the person subject to the order is situated.

c. The Land Government or Governments concerned shall proceed forthwith to confiscate the property. In the event of partial confiscation of property any Land or Province within the area of original jurisdiction shall take the proper percentage of property from the person's property within its jurisdiction and each other Land or Province outside such area in which other property of the person is located shall have the right under the above rules to confiscate up to the same proportion of his property under its jurisdiction.

2. When the order imposes a fine, that fine will, in the first instance, be levied upon property situated in the Land or Province in which the order has been passed; in the second instance, it will be levied on the property in any other Land or Province of the Zone in which the order has been passed. If any balance remains unpaid, it will be levied in the Land or Province in which the largest amount of the property of the person subject to the order is situated, notice of such fine and of the property of the person convicted being transmitted to the other zones and sectors in the same manner as provided by section 1 a. above.

3. Nothing in this Article shall prevent the person against whom an order has been made from being subjected to further penalties by a new order based on new charges and evidence.

4. All accruals under sub-sections (1) - (3) of this Article shall be treated as if they were property governed by Article II, III, V and IX of this directive.

ARTICLE IX

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 not included among that of the persons referred to in Article I of this Directive.

2. In order to accomplish the purpose 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 aims and spirit of this Directive.

ARTICLE X

The present Directive comes into force from the date of signature.

Done at Berlin, the 15th day of January 1948.

F. C. D. BROWNJOHN
Major General

H. NOIRET
General de Division

G. S. LUVIACHENKO
Lieutenant General
for M. I. DRATVIN
Lieutenant General

GEORGE P. HAYS
Major General

FOURTH SESSION OF CFM, MOSCOW, 1947

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RESTRICTED

AGREED

SUBJECT: ECONOMIC PRINCIPLES, Financial Reform (Part II, B. 4., CFM/47/M/148 & Sec. VII. 4., CFM/47/M/74)

ORIGIN: Dep. f. Germ. & CGRC

FOUR POWER POSITION	US	UK	FR	SOVIET
<p>All Delegations are agreed that financial reform shall be effected throughout Germany as soon as possible.</p> <p>(Page 8: 4., CFM/47/M/74)</p> <hr/>				<p><u>SOVIET RESERVATION</u></p> <p>The agreement of the Soviet Delegation is based upon acceptance of the principle that the plan for financial reform must provide the funds necessary for reparations and costs of occupation.</p> <p>(Page 8: 4., CFM/47/M/74)</p> <hr/>

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ACTION TAKEN BY CFM: Referred to Control Council for Information; to Deputies for Germany for Study (UK Reservation)

FOURTH SESSION OF CFM, MOSCOW, 1947

UNAGREED

RESTRICTED

SUBJECT: DIVISION OF POWERS, etc., Powers of Central Gov't, Financial Unity 1 (Part III, E.d.CFM/47/M/148 & E.d.CFM/47/M/121)

ORIGIN: Dep. F, Germ. & CGRC

FOUR POWER POSITION	U S	U K	F R	SOVIET
<p><u>NO AGREEMENT</u></p>	<p><u>SOVIET, US and UK PROPOSAL</u></p> <p>d. (1) The Soviet, US and UK Delegations have agreed to the following text:-</p> <p>"The issue of currency and coinage; certain powers for the coordination of banking; the national public debt; certain powers of taxation to be agreed; foreign exchange control."</p> <p>(Page 11, d. (1), CFM/47/M/121)</p>		<p><u>FRENCH PROPOSAL</u></p> <p>d. (2) The French Delegation proposes the following text:-</p> <p>debt of the federal state; certain powers of taxation to be agreed; foreign exchange control. Questions relating to currency and the banking system should rest with a central banking commission consisting of representatives of the central banks of the Länder.</p> <p>(Page 11, d. (2), CFM/47/M/121)</p>	<p><u>SOVIET PROPOSAL</u></p> <p>See Soviet, US & UK Proposal.</p> <p>(Page 11, d. (1), CFM/47/M/121)</p>

ACTION TAKEN BY CFM: Referred to Deputies for Germany for Study

FOURTH SESSION OF CFM, MOSCOW, 1947

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AGREED
SUBJECT:

RESTRICTED

DIVISION OF POWERS, etc., Powers of Central Gov't, Financial Unity 2 (Part III, E.d.(3) CFM/47/M/148)

ORIGIN: Dep. r. Germ. & CCRC

FOUR POWER AGREEMENT	U S	U K	FR	SOVIET
<p>d. To ensure financial unity necessary:-</p> <p>(3) *The Soviet, French, US and UK Delegations consider it necessary that the question of a budget for common purposes should also be included within the competence of the Control Government*.</p> <p>(Page 13, d.(3), CFM/47/M/148)</p> <hr/> <p><u>NOTE</u></p> <p>The preceding sub-paragraphs of d. were not agreed. See for the unagreed paragraphs POLCR/19</p> <hr/> <p>The agreement on these points (agreed points of the POLCR series) is subject to the general reservations of the French and US Delegations mentioned in sub-paragraphs e. and f. (POLCR/21). No agreement was reached on the remaining parts of sub-paragraphs e., c. and d.</p> <p>(Page 13, CFM/47/M/148)</p> <hr/>				

ACTION TAKEN BY CFM: Referred to Deputies for Germany for Study

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FIFTH SESSION OF CFM, LONDON, 1947

UNAGREED

RESTRICTED

SUBJECT: ECON PRINC'S., Financial Reform (USDEL/47/L, 14th M'g)

ORIGIN: CFM

FOUR POWER POSITION

US

UK

FR

SOVIET

NO AGREEMENTUS PROPOSAL

The US Delegation suggests the following amendments to para. 25:

"1. Delete the first sentence and substitute therefor, "There shall be adopted a program for financial reform in Germany by March 31, 1948, to be implemented immediately thereafter".

2. Delete in the second sentence the words, "These proposals", and substitute the words, "this program".
(Page 11, USDEL/47/L/14th M'g)

UK PROPOSAL

25.

The appropriate German Central Administration shall present for the approval of the Control Council proposals for financial reform in Germany. The aim of these proposals shall be to place on a sound basis the German currency, the systems of taxation and banking, the national debt, the foreign exchange rate and the wage and price levels, to diminish the danger of inflation which arises from the present excess of purchasing power, and to provide for an equitable sharing among the German people of the financial burdens of the war and its aftermath.

(Pages 8 & 9, CFM/47/L/7)

UK PROPOSAL

The UK Delegation is prepared to accept the US proposal if the Soviet Delegation would also agree to accept it.
(Page 11, USDEL/47/L/14th M'g)

FRENCH STATEMENT

The Fr Delegation supports fully the amendment submitted by the US Delegation.
(Page 11, USDEL/47/L/14th M'g)

SOVIET STATEMENT

The Sov Delegation fully agrees with the wording in para 25 of the UK text.
(Page 11, USDEL/47/L/14th M'g)

SOVIET POSITION

The Soviet Delegation will express its final views on the proposal after having studied the written text of the amendment.
(Page 12, USDEL/47/L/14th M'g)

ACTION TAKEN BY CFM: None