

No. 6986

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**BELGIUM, CANADA, FRANCE, FEDERAL REPUBLIC  
OF GERMANY, NETHERLANDS, UNITED KINGDOM OF  
GREAT BRITAIN AND NORTHERN IRELAND and  
UNITED STATES OF AMERICA**

✓ Agreement (with Protocol of Signature) to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany. Signed at Bonn, on 3 August 1959

✓ Agreement (with annex) to implement paragraph 5 of article 45 of the above-mentioned Supplementary Agreement. Signed at Bonn, on 3 August 1959

✓ Administrative Agreement to article 60 of the above-mentioned Supplementary Agreement. Signed at Bonn, on 3 August 1959

*Official texts : German, English and French.*

*Registered by the United States of America on 19 November 1963.*

No. 6986. AGREEMENT<sup>1</sup> TO SUPPLEMENT THE AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY REGARDING THE STATUS OF THEIR FORCES<sup>2</sup> WITH RESPECT TO FOREIGN FORCES STATIONED IN THE FEDERAL REPUBLIC OF GERMANY. SIGNED AT BONN, ON 3 AUGUST 1959

The Kingdom of Belgium,  
Canada,  
The French Republic,  
The Federal Republic of Germany,  
The Kingdom of the Netherlands,  
The United Kingdom of Great Britain and Northern Ireland, and  
The United States of America,

CONSIDERING that sub-paragraph (b) of paragraph 1 of Article 8 of the Convention on Relations between the Three Powers and the Federal Republic of Germany, as amended<sup>3</sup> by Schedule I to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany signed at Paris on 23 October 1954<sup>4</sup>, provides for the negotiation of new arrangements setting forth the rights and obligations of the forces of the Three Powers and other States having forces in the territory of the Federal Republic of Germany ;

CONSIDERING that, pursuant to that provision, the new arrangements shall be based on the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on 19 June 1951,<sup>2</sup> supplemented by such provisions as are necessary in view of the special conditions existing in regard to the forces stationed in the Federal Republic of Germany ;

<sup>1</sup> Came into force on 1 July 1963, thirty days after the deposit by the Federal Republic of Germany of its instrument of accession to the Agreement of 19 June 1951 (see p. 588 of this volume), in accordance with paragraph 2 of article 83.

The instruments of ratification or approval (a) were deposited with the Government of the United States of America, as follows :

United States of America. . . . .	28 July	1961 (a)
Canada . . . . .	11 December	1961
France . . . . .	11 January	1962
United Kingdom of Great Britain and Northern Ireland . . . . .	9 July	1962
Netherlands (for the Kingdom in Europe) . . . . .	10 September	1962
Belgium . . . . .	15 May	1963
Federal Republic of Germany . . . . .	1 June	1963

<sup>2</sup> United Nations, *Treaty Series*, Vol. 199, p. 67 ; Vol. 200, p. 340 ; Vol. 260, p. 452 ; Vol. 286, p. 380, and p. 588 of this volume.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 331, p. 327.

<sup>4</sup> United Nations, *Treaty Series*, Vol. 331, p. 253.

CONSIDERING that the North Atlantic Council has decided to approve, in accordance with paragraph 3 of Article XVIII of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, the accession to that Agreement of the Federal Republic of Germany, provided that such accession shall become effective only after all the States Parties to the new arrangements have ratified or approved them ;

CONSIDERING that the second paragraph of the Preamble to the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces also provides for separate arrangements supplementary to that Agreement ;

CONSIDERING that, pursuant to the Agreement signed at Bonn on 3rd August 1959,<sup>1</sup> by the Powers signatory to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed at Paris on 23 October 1954, the Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany,<sup>2</sup> the Finance Convention,<sup>3</sup> and the Agreement on the Tax Treatment of the Forces and their Members,<sup>4</sup> as amended by that Protocol, shall cease to be effective upon the entry into force of the new arrangements ;

DESIRING thereby to continue consolidating the North Atlantic Community ;  
Have agreed as follows :

### *Article 1*

The Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on 19 June 1951 (hereinafter referred to as the "NATO Status of Forces Agreement"), shall, as regards the rights and obligations of the forces of the Kingdom of Belgium, Canada, the French Republic, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America in the territory of the Federal Republic of Germany (hereinafter referred to as "the Federal Republic"), be supplemented by the provisions of the present Supplementary Agreement.

### *Article 2*

1. In the present Agreement the term
  - (a) "a German" shall mean a German within the meaning of German law ;
  - (b) "Protocol of Signature" shall mean the Protocol of Signature<sup>5</sup> to the present Agreement ;

<sup>1</sup> See p. 591 of this volume.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 332, p. 3, and p. 591 of this volume.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 332, p. 157, and p. 591 of this volume.

<sup>4</sup> United Nations, *Treaty Series*, Vol. 332, p. 387, and p. 591 of this volume.

<sup>5</sup> See p. 494 of this volume.

- (c) "Forces Convention" shall mean the Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany, as amended by Schedule II to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed at Paris on 23 October 1954 ;
- (d) "Federal Requisitioning Law" shall mean the Federal Requisitioning Law (*Bundesleistungsgesetz*) of 19 October 1956 (*Bundesgesetzblatt* 1956 Teil I, page 815) ;
- (e) "Restricted Areas Law" shall mean the Law concerning Restrictions on Real Property for Purposes of Military Defence (*Gesetz über die Beschränkung von Grundeigentum für die militärische Verteidigung — Schutzbereichgesetz*) of 7 December 1956 (*Bundesgesetzblatt* 1956 Teil I, page 899) ;
- (f) "Land Procurement Law" shall mean the Law concerning the Procurement of Land for Purposes of Defence (*Gesetz über die Landesbeschaffung für Aufgaben der Verteidigung — Landesbeschaffungsgesetz*) of 23 February 1957 (*Bundesgesetzblatt* 1957 Teil I, page 134) ;
- (g) "Air Traffic Law" shall mean the Air Traffic Law (*Luftverkehrsgesetz*) in the version of the Notification (*Bekanntmachung*) of 10 January 1959 (*Bundesgesetzblatt* 1959 Teil I, page 9).

2. (a) A close relative of a member of a force or of a civilian component not falling within the definition contained in subparagraph (c) of paragraph 1 of Article I of the NATO Status of Forces Agreement who is financially or for reasons of health dependent on, and is supported by, such member, who shares the quarters occupied by such member and who is present in the Federal territory with the consent of the authorities of the force shall be considered to be, and treated as, a dependent within the meaning of that provision.

(b) Should a member of a force or of a civilian component die or leave the Federal territory on transfer, the dependents of such member, including close relatives referred to in sub-paragraph (a) of this paragraph, shall be considered to be, and treated as, dependents within the meaning of sub-paragraph (c) of paragraph 1 of Article I of the NATO Status of Forces Agreement for a period of ninety days after such death or transfer if such dependents are present in the Federal territory.

### Article 3

1. In accordance with the obligations imposed by the North Atlantic Treaty<sup>1</sup> upon the contracting parties thereto to render mutual assistance, the German au-

<sup>1</sup> United Nations, *Treaty Series*, Vol. 34, p. 243 ; Vol. 126, p. 350, and Vol. 243, p. 308.

thorities and the authorities of the forces shall cooperate closely to ensure the implementation of the NATO Status of Forces Agreement and of the present Agreement.

2. The co-operation provided for in paragraph 1 of this Article shall extend in particular

- (a) to the furtherance and safeguarding of the security, as well as to the protection of the property of the Federal Republic, of the sending States and of the forces, and especially to the collection, exchange and protection of all information which is of significance for these purposes ;
- (b) to the furtherance and safeguarding of the security, as well as to the protection of the property, of Germans, of members of the forces and members of the civilian components and dependents, as well as of nationals of the sending States who do not belong to these categories of persons.

3. The German authorities and the authorities of a force shall, by taking appropriate measures, ensure close and reciprocal liaison within the scope of the co-operation provided for in paragraphs 1 and 2 of this Article.

4. The German authorities and the authorities of a sending State shall take all the administrative measures necessary for the implementation of the NATO Status of Forces Agreement and of the present Agreement, and, where necessary, shall conclude administrative or other agreements to that end.

5. (a) In the implementation of provisions in the field of support contained in the NATO Status of Forces Agreement and in the present Agreement, the German authorities shall accord to a force and to a civilian component such treatment as is necessary for the satisfactory fulfilment of their defence responsibilities.

(b) In asserting the rights accorded to them under the provisions referred to in sub-paragraph (a) of this paragraph, the authorities of a force and of a civilian component shall, with a view to reasonable reconciliation of their requirements and those of the Federal Republic, take into due account German public and private interests.

6. The German authorities and the authorities of a force shall agree on frontier crossing points at which liaison officials of the sending State are to be stationed. These officials shall assist the German authorities in their control functions in order to ensure the speedy and unobstructed passage of the force, the civilian component, their members and dependents, and their accompanying baggage, and of consignments of goods and materials shipped by the force or on its behalf or for its account for the use of the force or of the civilian component, their members and dependents.

7. If, in the implementation of the NATO Status of Forces Agreement and of the present Agreement, no agreement is reached either on the local or on the regional level

between the German authorities and the authorities of a force, the matter shall, unless the NATO Status of Forces Agreement or the present Agreement provides a special procedure, be referred to the competent central Federal authority and the higher authority of the force. The Federal Government or the higher authority of the force shall issue any individual instructions that may be necessary to the German authorities or to the authorities of the force and the civilian component respectively.

#### *Article 4*

1. The exercise of rights and the fulfilment of obligations which a sending State derives from the NATO Status of Forces Agreement and the present Agreement may, with the consent of the Federal Government, be effected by other sending States in accordance with administrative agreements to be concluded between the sending States concerned.

2. Until the entry into force of the administrative agreements referred to in paragraph 1 of this Article, the agreements between the sending States concerned governing the exercise of rights and the fulfilment of obligations at the time of the entry into force of the present Agreement shall remain applicable in the fields to which they relate, unless the sending State concerned notifies the other sending State concerned and the Federal Republic of its intention no longer to apply the latter agreements.

#### *Article 5*

1. The following provisions shall apply with respect to identification within the Federal territory :

- (a) Members of a force shall not be required to have movement orders.
- (b) Uniformed members of a force moving in units under military command need not give proof of their identity. In exceptional cases where it is necessary to establish immediately the identity of a unit, the commander of the unit shall, upon request of the German authorities, produce his personal identity card.
- (c) Members of a civilian component and dependents who do not carry with them a passport or a document acknowledged as equivalent under German law shall give proof of their identity by means of an identity document issued by the authorities of the sending State, showing name, date of birth and photograph of the holder, a serial number or the name of the issuing authority and the capacity in which the holder is present in the Federal territory.
- (d) In exceptional cases where a member of a force or of a civilian component or a dependent is not in possession of the documents provided for in Article III of the NATO Status of Forces Agreement or in this Article, the German authorities shall accept temporary certification by the authorities of the force

that the person concerned is a member of the force or of the civilian component or a dependent. The authorities of the force shall, as soon as possible, replace such certification by the documents provided for in Article III of the NATO Status of Forces Agreement or in this Article and shall so inform the German authorities.

2. The following provisions shall apply with respect to frontier crossings :
  - (a) Individual or collective movement orders shall normally contain in German the data referred to in sub-paragraph (b) of paragraph 2 of Article III of the NATO Status of Forces Agreement. Movement orders which in exceptional cases do not contain such data in German shall nevertheless be recognized as valid by the German authorities. Movement orders shall be issued for a single entry or exit, or for both, or shall be valid for a limited period. The authorities of a force may extend the period of validity of a movement order. An appropriate entry on the personal identity card showing date of expiration may take the place of an individual movement order.
  - (b) A unit crossing the frontier under military command on a collective movement order shall be identified by its commander who shall present his personal identity card and the collective movement order. In exceptional cases where the German authorities consider it necessary to verify the identity of certain members of a unit, for special reasons which shall be given by the German frontier control officials to the commander of the unit, the latter shall present the personal identity cards of those members. Such verification shall not unduly delay the unit.
  - (c) Control of identity documents on entry and exit via military airfields of a force shall in principle be the same as frontier control of surface frontier crossings. However, in the case of the entry and exit via military airfields of members of a force, of a civilian component or dependents, the German authorities shall confine themselves to occasional checks, carried out after consultation with the authorities of the airfield concerned ; regular identity controls over such persons shall be carried out by the authorities of the force. The control of identity documents of persons in categories other than those mentioned in the second sentence of this sub-paragraph who enter or leave the Federal territory via military airfields of a force shall be carried out by the German authorities, who shall be notified of the arrival of such persons by the authorities of the force. Such control shall take place on entering or leaving the airfield.

*Article 6*

1. Members of a force, of a civilian component and dependents shall be exempt from German regulations in the field of registration of residence (*Meldewesen*) and aliens' control (*Ausländerpolizei*), except with respect to registration in hotels and similar establishments (*Beherbergungsstätten*).

2. The authorities of a force shall keep up-to-date records of all members of the civilian component and of all dependents. At the request of the German authorities, the reasons for which shall be explained, the authorities of the force shall, in individual cases, supply the information required under the regulations referred to in paragraph 1 of this Article.

3. At the request of the German authorities, the authorities of the force shall inform them of the number of members of the civilian component and of dependents.

*Article 7*

In applying international agreements or other provisions in force in the Federal territory concerning residence (*Aufenthalt*) and settlement (*Niederlassung*), insofar as they relate to repatriation, to expulsion, to the extension of residence permits or to gainful occupation, periods of time spent in the Federal territory by any person as a member of a force or of a civilian component or as a dependent shall be disregarded.

*Article 8*

1. When a competent German authority intends to take one of the measures within the competence of the receiving State and set forth in the first sentence of paragraph 5 of Article III of the NATO Status of Forces Agreement, the authority concerned shall communicate this intention to the competent authority of the sending State concerned, stating the reasons invoked in support of the intended measure, and shall afford that authority the possibility of making known its opinion or of itself taking such measures as it might deem fitting within a reasonable period of time. The German authorities shall give sympathetic consideration to any position which might be adopted by the sending State and to any measures which may have been taken by the authorities of that State.

2. Notification of intent to take one of the measures provided for in paragraph 5 of Article III of the NATO Status of Forces Agreement shall be given by the Minister of the Interior of the Land concerned, or, in the cases of Hamburg and Bremen, by the Senator for Internal Affairs.

3. Requests for removal shall be made and expulsion orders shall be issued only if the competent German authority considers that the continued presence in the Federal territory of the person in question actually endangers public order or public security at the time when the request is made or the order is issued.



*Article 9*

1. A licence or other permit issued to a member of a force or of a civilian component by an authority of a sending State empowering the holder to operate service vehicles, vessels or aircraft is valid for the operation of such vehicles, vessels or aircraft in the Federal territory.

2. A driving licence issued in a sending State empowering the holder to operate private motor vehicles in that State is valid for the operation of such vehicles in the Federal territory by the holder if the latter is a member of a force or of a civilian component or a dependent. The German regulations relating to the period of validity of such driving licence in the Federal territory and to its invalidation by a German administrative authority shall not apply if the holder is in possession of a certificate issued by an authority of the force showing that he is a member of the force or of the civilian component or a dependent and that he possesses adequate knowledge of German traffic regulations. Such certificate shall be provided with a German translation.

3. Driving licences provided with a German translation may be issued for private motor vehicles by the authorities of a force to members of the force or of the civilian component or to dependents if these authorities have determined that, in addition to fitness to operate a motor vehicle, applicants possess adequate knowledge of German traffic regulations. They shall ensure that learner drivers are instructed, and when driving on a public highway are accompanied at all times, by a person possessing the qualifications specified in the first sentence of this paragraph and holding a valid driving licence. Such person shall be responsible for the driving of the vehicle and shall carry a written authorization, issued by the authorities of the force and provided with a German translation, empowering him to instruct the learner driver.

4. A civil pilot's licence issued to a member of a force or of a civilian component or to a dependent by the authorities of a sending State shall authorize the holder to operate private aircraft in the Federal territory if such licence is based on the Standards and Recommended Practices of the International Civil Aviation Organization.

5. (a) The authorities of a force shall ensure that the persons operating the service vessels referred to in paragraph 1 of this Article, when navigating in inland waters, possess adequate knowledge of the particular waters to be navigated and of the relevant river police regulations.

(b) The authorities of a force may issue certificates of qualification for the operation of non-service inland watercraft of the force if they have determined that the person concerned possesses the knowledge prescribed in subparagraph (a) of this para-

graph. The particular waters to be navigated shall be specified in the certificate. Regulations applicable within the scope of international agreements shall remain unaffected.

6. (a) The authorities of a force shall withdraw driving licences valid in the Federal territory in accordance with paragraphs 1 and 3 of this Article or certificates mentioned in paragraph 2, if there is reasonable doubt concerning the holder's reliability or fitness to operate a motor vehicle. They shall give sympathetic consideration to requests made by the German authorities for the withdrawal of such driving licences or certificates. Driving licences or certificates may be reissued if this is necessary for urgent military reasons or to enable the holders to leave the Federal territory. The authorities of a force shall notify the German authorities of all withdrawals made in accordance with this subparagraph and of all cases where, after such withdrawal, a driving licence or certificate has been re-issued.

(b) In cases where German courts exercise jurisdiction pursuant to Article VII of the NATO Status of Forces Agreement and Articles 17, 18 and 19 of the present Agreement, provisions of German criminal law relating to the withdrawal of permission to drive remain applicable with respect to driving licences referred to in paragraphs 2 and 3 of this Article. Withdrawal of permission to drive shall be recorded in the driving licence, which shall remain in the possession of the holder.

7. (a) Sub-paragraph (a) of paragraph 6 of this Article shall apply *mutatis mutandis* to pilot's licences and certificates of qualification referred to in paragraph 4 and subparagraph (b) of paragraph 5.

(b) The authorities of a force shall give sympathetic consideration to reports from the German authorities concerning failure to observe air traffic rules by holders of the pilot's licences valid in the Federal territory in accordance with paragraph 1 of this Article and shall take such action as may be necessary.

#### Article 10

1. The authorities of a force may register and license motor vehicles and trailers of the force or the civilian component, of members of the force or of the civilian component, or of dependents. Subject to the regulations applicable within the scope of international agreements, the same shall apply to vessels of a force. Aircraft of a force or of a civilian component, of members of a force or of a civilian component, or of dependents shall be registered and licensed by the authorities of the sending State in accordance with the applicable international regulations.

2. The authorities of a force shall register and license private motor vehicles and trailers only if such vehicles or trailers are insured against liability in accordance

with Article 11 of the present Agreement. They shall withdraw or cancel such registration or licence when this insurance is no longer operative.

3. Motor vehicles, trailers, vessels and aircraft registered and licensed in accordance with paragraph 1 of this Article or used by a force in the Federal territory shall bear a distinctive nationality mark, in addition to a registration number or other appropriate identification mark. Identification marks on private motor vehicles and trailers shall be clearly distinct from those used on service vehicles and trailers. The authorities of a force shall inform the German authorities of the identification system used for motor vehicles, trailers and vessels registered and licensed by them. At the request of the German authorities, the reasons for which shall be explained, the authorities of the force shall, in individual cases, supply the names and addresses of persons in whose names private motor vehicles, trailers or aircraft have been registered or licensed in accordance with paragraph 1 of this Article.

4. The registration certificate for a private motor vehicle or trailer shall show the registration number, the name or the trademark of the maker of the vehicle, the maker's identification or serial number, the date of first registration in the Federal territory and the full name of the holder. The certificate shall be provided with a German translation. The registration certificate for private aircraft shall be based on the Standards and Recommended Practices of the International Civil Aviation Organization. Non-service inland watercraft of a force with a displacement of fifteen tons or over shall carry on board a certificate of serviceability which may be issued by the authorities of the force.

5. The authorities of a force shall take adequate safety measures with respect to motor vehicles, trailers, vessels and aircraft registered and licensed by them or used by the force in the Federal territory.

#### *Article 11*

1. Members of a force, of a civilian component and dependents shall use or permit to be used in the Federal territory private motor vehicles, trailers and aircraft only if risks arising out of such use are covered by third-party liability insurance in accordance with German law.

2. Third-party liability insurance of a private motor vehicle, trailer or aircraft to be licensed by the authorities of a force may be effected with any insurance enterprise authorized to carry on the business activity of third-party liability insurance in a sending State, provided that in addition to such enterprise an insurer, or association of insurers, authorized to do business in the Federal territory assumes the third-

party liability insurance obligations in respect of damage incurred in the Federal territory. The requirements of German law with respect to any third person suffering injury or damage shall not be affected by the conditions of such insurance.

3. Insofar as foreign exchange regulations exist in the sending States, the latter shall ensure that all payments to be effected by insurers or associations of insurers authorized to do business in their territories can be met in the Federal territory and in the currency of the Federal Republic.

#### Article 12

1. The authorities of a force may authorize members of the civilian component and other persons employed in the service of the force to possess and carry arms insofar as such persons are responsible for the safeguarding of cash or property or are particularly endangered by the special nature of their official position or activities.

2. The authorities of the force shall issue regulations, which shall conform to the German law on self-defence (*Notwehr*), on the use of arms by the persons authorized in accordance with paragraph 1 of this Article.

3. Persons authorized in accordance with paragraph 1 of this Article may bear firearms only if in possession of a firearms certificate issued by the authorities of the force. A suitably endorsed duty identity card shall also be considered a firearms certificate.

4. The authorities of the force shall issue firearms certificates only to persons as to whose reliability there is no reasonable doubt. They shall sympathetically examine requests by the German authorities for withdrawal of such certificates and shall withdraw a firearms certificate if it is established that the holder has misused his firearm or if reasonable doubt exists as to his reliability.

#### Article 13

1. Except where expressly provided otherwise, international agreements or other provisions in force in the Federal territory concerning social security, including social and medical assistance, shall not apply to members of a force or of a civilian component or to dependents. However, rights and obligations of such persons in the field of social security which have arisen during previous presence in the Federal territory remain unaffected. Furthermore, the fact that a person belongs to one of the categories referred to in the preceding sentences shall not preclude the possibility of his paying contributions to the German social security (*soziale Kranken und*

*Rentenversicherung*) for the purpose of continuing insurance on a voluntary basis (*Weiterversicherung*) nor the possibility of his acquiring and asserting rights deriving from existing insurance.

2. Nothing in this Article shall affect the obligations of a member of a force or of a civilian component or of a dependent in the capacity of an employer.

#### Article 14

Where a member of a force, of a civilian component or a dependent is granted exemption from the production of a certificate of eligibility to marry, the fee payable, to be determined in accordance with the scope and difficulties of the administrative work involved, shall not exceed the sum of fifty Deutsche Mark.

#### Article 15

1. The obligation under German law to report births and deaths to a German registrar shall not apply either with respect to a child born to, or with respect to the death of, a member of a force or of a civilian component or a dependent ; where, however, such birth or death is reported to a German registrar, registration shall take place in accordance with the provisions of German law.

2. The obligation to report births and deaths remains unaffected in cases where the child is, or the deceased was, a German.

#### Article 16

1. The military authorities of a sending State shall have the right, in accordance with applicable regulations of such sending State, to take charge and dispose of the remains of members of the force or of the civilian component and of dependents in the event of their death in the Federal territory and to perform such autopsy as may be required for medical reasons or purposes of criminal investigation. Requests by German authorities that an autopsy be performed shall be granted if such autopsy is admissible under the law of the sending State. A German medical officer of the court (*Gerichtsarzt*) or public health officer (*Amtsarzt*) and, in the case of an autopsy for purposes of criminal investigation, a German judge, may be present during the autopsy. In cases where a German court or authority is competent to order an autopsy, the second and third sentences of this paragraph shall apply *mutatis mutandis* if the military authorities of a sending State have an interest in the results of such autopsy.

2. Where so authorized by the law of a sending State, the military authorities of that State shall have the right to take possession of the personal property of the deceased within the Federal territory and to apply it, in the first place, to the payment of any preferential charges which may be prescribed by the law of that sending State

and, in the second place, to the settlement of any other debts incurred in the Federal territory and for which there exists a legal obligation to pay in that territory and thereafter to dispose of the remainder in accordance with the law applicable to the estate of the deceased. The provisions of this paragraph shall not apply if the deceased was a German.

3. The forces shall have the right at agreed sites to establish and maintain cemeteries as may be necessary in the fulfilment of their defence responsibilities.

#### Article 17

1. Where, in order to decide upon the authority competent to exercise jurisdiction with respect to an offence, it is necessary to determine whether an act is punishable by the law of a sending State, the German court or authority dealing with the case shall suspend the proceedings and shall notify the competent authority of the sending State. The appropriate authority of the sending State may, within twenty-one days after receipt of the notification or at any time if such notification has not yet been made, submit to the German court or authority a certificate stating whether or not the act is punishable by the law of the sending State. If the certificate is affirmative on this point, it shall specify the provision or legal basis under which the act is punishable, as well as the penalty prescribed.

2. The German court or authority shall make its decision in conformity with the certificate. In exceptional cases, however, such certificate may, at the request of the German court or authority, be made the subject of review through discussions between the Federal Government and the diplomatic mission in the Federal Republic of the sending State.

3. If it is to be determined whether an offence is punishable under German law, the procedure provided in paragraphs 1 and 2 of this Article shall apply *mutatis mutandis* with respect to the offence, the certificate being then issued by the supreme competent administrative authority of the Federal Republic or of the German Land concerned.

4. The provisions of paragraphs 1, 2 and 3 of this Article shall not apply as between the Federal Republic and any sending State which informs the Federal Republic that it does not intend to avail itself of these provisions or to extend the benefits thereof to the Federal Republic.

#### Article 18

1. Whenever, in the course of criminal proceedings against a member of a force or of a civilian component, it becomes necessary to determine whether an offence has arisen out of any act or omission done in the performance of official duty, such determination shall be made in accordance with the law of the sending State concerned.

The highest appropriate authority of such sending State may submit to the German court or authority dealing with the case a certificate thereon.

2. The German court or authority shall make its decision in conformity with the certificate. In exceptional cases, however, such certificate may, at the request of the German court or authority, be made the subject of review through discussions between the Federal Government and the diplomatic mission in the Federal Republic of the sending State.

#### *Article 19*

1. At the request of a sending State, the Federal Republic shall, within the framework of sub-paragraph (c) of paragraph 3 of Article VII of the NATO Status of Forces Agreement, waive in favour of that State the primary right granted to the German authorities under sub-paragraph (b) of paragraph 3 of that Article in cases of concurrent jurisdiction, in accordance with paragraphs 2, 3, 4 and 7 of this Article.

2. Subject to any particular arrangements which may be made under paragraph 7 of this Article, the military authorities of the sending States shall notify the competent German authorities of individual cases falling under the waiver provided in paragraph 1.

3. Where the competent German authorities hold the view that, by reason of special circumstances in a specific case, major interests of German administration of justice make imperative the exercise of German jurisdiction, they may recall the waiver granted under paragraph 1 of this Article by a statement to the competent military authorities within a period of twenty-one days after receipt of the notification envisaged in paragraph 2 or any shorter period which may be provided in arrangements made under paragraph 7. The German authorities may also submit the statement prior to receipt of such notification.

4. If, pursuant to paragraph 3 of this Article, the competent German authorities have recalled the waiver in a specific case and in such case an understanding cannot be reached in discussions between the authorities concerned, the diplomatic mission in the Federal Republic of the sending State concerned may make representations to the Federal Government. The Federal Government, giving due consideration to the interests of German administration of justice and to the interests of the sending State, shall resolve the disagreement in the exercise of its authority in the field of foreign affairs.

5. (a) With the consent of the German authorities, the military authorities of a sending State which has requested the waiver under paragraph 1 of this Article may transfer to the German courts or authorities for investigation, trial and decision, particular criminal cases in which jurisdiction rests with that State.

(b) With the consent of the military authorities of a sending State which has requested the waiver under paragraph 1 of this Article, the German authorities may transfer to the military authorities of that State for investigation, trial and decision, particular criminal cases in which jurisdiction rests with the Federal Republic.

6. (a) Where a German court or authority exercises exclusive jurisdiction under sub-paragraph (b) of paragraph 2 of Article VII of the NATO Status of Forces Agreement, a copy of any document served on the accused shall be delivered, upon special or general request of the sending State concerned, to the liaison agency referred to in Article 32 of the present Agreement.

(b) The liaison agency shall lend its assistance to the German courts and authorities to facilitate service of process in criminal matters.

7. In the implementation of the provisions of this Article and to facilitate the expeditious disposal of offences of minor importance, arrangements may be made between the military authorities of a sending State or States and the competent German authorities. These arrangements may also extend to dispensing with notification and to the period of time referred to in paragraph 3 of this Article within which the waiver may be recalled.

#### Article 20

1. The military authorities of a sending State may, without a warrant of arrest, take into temporary custody any person not subject to their jurisdiction

- (a) if such person is caught or pursued in *flagrante delicto* and either
  - (i) the identity of the person cannot be established immediately, or
  - (ii) there is reason to believe that the person may flee from justice ; or
- (b) if so requested by a German authority ; or
- (c) if such person is a member of the force or of the civilian component of another sending State, or a dependent of any such member, upon request by an authority of that State.

2. If there is danger in delay and a German public prosecutor or German police officer cannot be called in time, the military authorities of a sending State may, without a warrant of arrest, take into temporary custody a person not subject to their jurisdiction if there are strong reasons to suspect (*dringender Verdacht*) that such person has committed or is making a punishable attempt to commit an offence within, or directed against, an installation of that State, or an offence punishable under Article 7 of the Fourth Law Amending the Criminal Law dated 11 June 1957 (*Bundesgesetzblatt Teil I*, page 597) in conjunction with Sections 99, 100, 100 c, 100 d, 100 e, 109 f, 109 g and 363, of the German Criminal Code, or under such legislation as may replace these provisions in future. This provision shall apply only if the person in



question is a fugitive from justice or in hiding or if there are good reasons to fear that he is seeking to evade criminal proceedings consequent upon the commission of such offence or punishable attempt.

3. In cases falling within paragraph 1 or 2 of this Article the military authorities may, to such extent as may be necessary, disarm the person so taken into temporary custody, and may search him and seize any items in his possession which may serve as evidence for the purposes of the investigation of the suspected or alleged offence.

4. The military authorities shall, without delay, deliver any person taken into temporary custody in accordance with this Article, together with any weapons or other items so seized, to the nearest German public prosecutor or police officer or judge or to the military authorities of the sending State to whose force or civilian component the person belongs either as a member or as a dependent of such member.

5. The provisions of this Article shall not affect the constitutional immunities of the parliaments of the Federation and the *Länder*.

#### Article 21

1. Where an investigation is initiated or an arrest made by a German authority in respect of an act punishable under Article 7 of the Fourth Law Amending the Criminal Law dated 11 June 1957 (*Bundesgesetzblatt Teil I*, page 597) or under such legislation as may replace that Article in future, the German authorities conducting the investigations shall notify the military authorities of the sending State concerned without delay. The same shall apply if a German authority initiates an investigation or makes an arrest in respect of an act otherwise directed against the security of a sending State or of its force.

2. Where an investigation is initiated or an arrest made in the Federal territory by a competent authority of a sending State in respect of an act committed in the Federal territory and relating to matters affecting the security of the Federal Republic, this authority shall inform the German authorities without delay.

#### Article 22

1. (a) Where jurisdiction is exercised by the authorities of a sending State, custody of members of the force, of the civilian component or dependents shall rest with the authorities of that State.

(b) Where jurisdiction is exercised by the German authorities, custody of members of a force, of a civilian component, or dependents shall rest with the authorities of the sending State in accordance with paragraphs 2 and 3 of this Article.

2. (a) Where the arrest has been made by the German authorities, the arrested person shall be handed over to the authorities of the sending State concerned if such authorities so request.

(b) Where the arrest has been made by the authorities of a sending State, or where the arrested person has been handed over to them under sub-paragraph (a) of this paragraph, they

(i) may transfer custody to the German authorities at any time ;

(ii) shall give sympathetic consideration to any request for the transfer of custody which may be made by the German authorities in specific cases.

(c) In respect of offences directed solely against the security of the Federal Republic, custody shall rest with the German authorities in accordance with such arrangements as may be made to that effect with the authorities of the sending State concerned.

3. Where custody rests with the authorities of a sending State in accordance with paragraph 2 of this Article, it shall remain with these authorities until release or acquittal by the German authorities or until commencement of the sentence. The authorities of the sending State shall make the arrested person available to the German authorities for investigation and criminal proceedings (*Ermittlungs- und Strafverfahren*) and shall take all appropriate measures to that end and to prevent any prejudice to the course of justice (*Verdunkelungsgefahr*). They shall take full account of any special request regarding custody made by the competent German authorities.

#### Article 23

Where a person is arrested in any case referred to in paragraph 1 of Article 21 of the present Agreement, a representative of the sending State concerned shall have access to that person. Where a person arrested in any case referred to in paragraph 2 of that Article is held in custody by the authorities of a force, a German representative shall have a corresponding right to the extent to which the sending State avails itself of the right of access afforded by the first sentence of this Article. The German authorities and the military authorities of the sending State shall conclude such arrangements as may be required for the implementation of this Article. A representative of the State which has custody may be present when the right of access is exercised.

#### Article 24

At the request of the Federal Republic or of a sending State, the German authorities and the authorities of that State shall conclude arrangements to facilitate the fulfilment of the obligation of mutual assistance provided for in sub-paragraph (a) of

paragraph 5 and sub-paragraph (a) of paragraph 6 of Article VII of the NATO Status of Forces Agreement.

#### *Article 25*

1. (a) Where criminal jurisdiction over a member of a force or of a civilian component or a dependent is exercised by a German court or a German authority, a representative of the sending State concerned shall have the right to attend the trial. Where an offence is solely directed against the security of the Federal Republic, or against any property within the Federal Republic, or against a German or a person present in the Federal territory, and jurisdiction is exercised in the Federal Republic by a court or authority of a sending State, a German representative shall have the right to attend the trial.

(b) For the purpose of the provisions set forth in sub-paragraph (a) of this paragraph

(i) the expression "property within the Federal Republic" shall not include property belonging either to a force or a civilian component or to a member of a force or of a civilian component or to a dependent ;

(ii) the expression "a person present in the Federal territory" shall not include a member of a force or of a civilian component or a dependent.

(c) The provisions set forth in sub-paragraph (a) of this paragraph shall not apply if the attendance of a national representative is incompatible with the security requirements of the State exercising jurisdiction which are not at the same time security requirements of the other State.

(d) German courts and authorities on the one hand, and the courts and authorities of the sending State on the other hand, shall give each other timely notification of place and time of the trial.

2. Under the conditions stated in paragraph 1 of this Article a representative of the sending State shall also have a right to attend interrogations and other pre-trial investigations to such extent as may be agreed between the authorities of that State and those of the Federal Republic. If such arrangements are concluded, they shall, under the conditions stated in paragraph 1, give to a German representative a right corresponding to that of the representative of the sending State, and shall provide procedures for reciprocal notification.

#### *Article 26*

1. Where a member of a force or of a civilian component or a dependent is arraigned before a court of a sending State for an offence committed in the Federal territory against German interests, the trial shall be held in that territory

(a) except where the law of the sending State requires otherwise, or

- (b) except where, in cases of military exigency or in the interests of justice, the authorities of the sending State intend to hold the trial outside the Federal territory. In this event they shall afford the German authorities timely opportunity to comment on such intention and shall give due consideration to any comments the latter may make.

2. Where the trial is held outside the Federal territory, the authorities of the sending State shall inform the German authorities of the place and date of the trial. A German representative shall be entitled to be present at the trial, except where his presence is incompatible with the rules of the court of the sending State or with the security requirements of that State, which are not at the same time security requirements of the Federal Republic. The authorities of the sending State shall inform the German authorities of the judgment and of the final outcome of the proceedings.

#### Article 27

Sections 212 to 212 (b) of the German Code of Criminal Procedure, relating to expedited procedure, shall not be applicable in criminal proceedings against members of a force, of a civilian component, or against dependents.

#### Article 28

1. The military police of a force shall have the right to patrol on public roads, on public transport, in restaurants (*Gaststätten*) and in all other places to which the public has access and to take such measures with respect to the members of a force, of a civilian component or dependents as are necessary to maintain order and discipline. Insofar as it is necessary or expedient the details of the exercise of this right shall be agreed upon between the German authorities and the authorities of the force, who shall maintain close mutual liaison.

2. If public order and safety are endangered or disturbed by an incident in which members of a force or of a civilian component or dependents are involved, the military police of a force shall, if so requested by the German authorities, take appropriate measures with respect to such persons to maintain or restore order and discipline.

#### Article 29

1. The Federal Republic shall bring about such legislative measures as it deems necessary to ensure the adequate security and protection within its territory of the forces, of the civilian components and of their members. This shall also apply to the Armed Forces of a sending State stationed in Berlin, to the civilian component thereof and to their members with regard to offences committed within the Federal territory.

2. To implement paragraph 11 of Article VII of the NATO Status of Forces Agreement and paragraph 1 of this Article the Federal Republic shall, in particular,

- (a) ensure, in accordance with the provisions of German criminal law on treason, the protection of military secrets of the sending States ;
- (b) ensure, by way of criminal law, the protection of a force, a civilian component and their members to an extent not inferior to the protection which is or will be afforded to the German Armed Forces in the following fields :
  - (i) influencing the force, the civilian component or their members with intent to undermine their willingness to serve ;
  - (ii) exposing the force to contempt ;
  - (iii) inducement to disobedience ;
  - (iv) inducement to desertion ;
  - (v) facilitation of desertion ;
  - (vi) sabotage ;
  - (vii) collection of information concerning military matters ;
  - (viii) operation of a military intelligence service ;
  - (ix) reproduction or description of military equipment, military installations or facilities, or of military activities ;
  - (x) taking of aerial photographs.

3. For the purposes of sub-paragraph (a) of paragraph 2 of this Article, the term "military secrets" shall mean such facts, objects, conclusions and discoveries, in particular writings, drawings, models, formulæ, or information about them, as concern defence and are kept secret by an agency of a sending State located on Federal territory or in Berlin out of consideration for the security of that State or of its force, or its Armed Forces stationed in Berlin. The term shall not include objects in respect of which the decision about keeping them secret is a matter for the Federal Republic, or information concerning such objects.

#### *Article 30*

To facilitate the implementation of Article VII of the NATO Status of Forces Agreement and the provisions of the present Agreement supplementary thereto, and to ensure their uniform application, Mixed Commissions composed of a German representative to be appointed by the Federal Government and a representative of the sending State concerned shall be constituted at the request of either party. The task of these Mixed Commissions shall be to discuss questions submitted to them by the Federal Government or the highest authority of the force concerned with respect to the application of the provisions referred to in this Article. The German authorities and the authorities of the sending State shall give sympathetic consideration to any joint recommendation made by a Mixed Commission.

*Article 31*

With respect to the right to free judicial assistance and the exemption from the obligation to post security for costs, members of a force or of a civilian component shall enjoy the rights determined in agreements in force in these fields between the Federal Republic and the sending State concerned. The presence on duty of such persons in the Federal territory shall, in the application of such agreements, be deemed to be residence therein.

*Article 32*

1. (a) Service upon members of a force, of a civilian component, or on dependents of a plaint or other document or court order initiating non-criminal proceedings before a German court or authority shall be made through a liaison agency to be established or designated by each of the sending States. The German courts or authorities may request the liaison agency to ensure service of other documents arising in such proceedings.

(b) Receipt of an application submitted by a German court or authority for service shall be acknowledged by the liaison agency without delay. Service shall be effective when the document to be served is delivered to the addressee by his unit commander or by a representative of the liaison agency. Notification in writing that service has been effected shall be given without delay to the German court or authority.

(c) (i) If, upon the expiry of a period of twenty-one days from the date of acknowledgement of receipt by the liaison agency, the German court or authority has received neither notification in writing that service has been effected in accordance with subparagraph (b) of this paragraph nor any communication stating that it has not been possible to effect service, the court or authority shall forward to the liaison agency another copy of the application for service with notice that seven days after receipt by the liaison agency service shall be deemed to have been effected. At the expiry of this seven-day period, service shall be deemed to have been effected.

(ii) Service shall not, however, be deemed to have been effected if the liaison agency notifies the German court or authority prior to the expiry of the period of twenty-one days or seven days, as the case may be, that it has not been able to effect service. The liaison agency shall inform the German court or authority of the reasons for its inability to do so.

(iii) In the case specified in item (ii) of this sub-paragraph, the liaison agency may also request the German court or authority to extend the period stating in such request the reasons therefor. If this request for extension is accepted by the German court or authority, items (i) and (ii) shall be applicable *mutatis mutandis* to the period so extended.

2. Where a German court or authority serves a judgment or a document in appellate proceedings (*Rechtsmittelschrift*), a copy thereof shall, upon special or general request of the sending State concerned, be delivered to the liaison agency of that State without delay, except where the liaison agency itself is, in accordance with the second sentence of sub-paragraph (a) of paragraph 1 of this Article, requested to effect such service.

#### Article 33

Members of a force, of a civilian component or dependents shall not suffer prejudice to their interests when official duties or duly authorized absence temporarily prevents their attendance at non-criminal proceedings to which they are parties.

#### Article 34

1. The military authorities shall render all assistance in their power to secure compliance with judgments, decisions, orders and settlements (*vollstreckbare Titel*) in non-criminal proceedings of German courts and authorities.

2. A member of a force or of a civilian component or a dependent shall not be deprived of his personal liberty by a German court or authority whether to enforce a judgment, decision, order and settlement, to compel an oath of disclosure (*Offenbarungseid*) or for any other reason resulting from non-criminal proceedings.

3. A payment due to a member of a force or of a civilian component from his Government shall be subject to attachment, garnishment or other form of execution ordered by a German court or authority only to the extent permitted by the law applicable in the territory of the sending State.

4. Where the enforcement of a judgment, decision, order and settlement in non-criminal proceedings of a German court or authority is to take place within an installation of a force, such enforcement shall be effected by a German enforcement officer in the presence of a representative of the force.

#### Article 35

Where a judgment, decision, order and settlement (*vollstreckbarer Titel*) of a German court or authority is to be enforced against a debtor to whom a payment is due in respect of employment with a force or civilian component in accordance with the provisions of Article 56 of the present Agreement or in respect of direct deliveries or services to a force or a civilian component, the following provisions shall apply :

(a) Where such a payment is made through a German authority and that authority has been requested by an enforcing agency to make the payment to

the judgment creditor instead of to the debtor, that authority shall be entitled to comply with such request within the scope of the provisions of German law.

- (b) (i) Where such a payment is not made through a German authority, the authorities of the force or of the civilian component shall, upon request by an enforcing agency and insofar as the law of the sending State concerned permits, deposit with the competent agency out of the sum admitted to be owing to the debtor the sum specified in the request. Such deposit shall operate as a discharge of the force or the civilian component from its obligation to the debtor to the extent of the amount deposited.
- (ii) Insofar as the law of the sending State concerned does not permit the procedure prescribed in item (i) of this sub-paragraph, the authorities of the force or of the civilian component shall take all appropriate measures to assist the enforcing agency in the execution of the judgment, decision, order and settlement in question.

#### Article 36

1. Service by German courts and authorities upon members of a force, of a civilian component or on dependents shall not be effected by publication or advertisement.

2. Where service of any document is to be effected by a German process server upon any person who is inside an installation of a force, the authority of the force responsible for the administration of the installation shall take all measures necessary to enable the German process server to effect such service.

#### Article 37

1. (a) Where a member of a force or of a civilian component is summoned to appear before a German court or authority, the military authorities, unless military exigency requires otherwise, shall secure his attendance provided that such attendance is compulsory under German law. The liaison agency shall be requested to ensure execution of such summons.

(b) The provisions of sub-paragraph (a) of this paragraph shall apply *mutatis mutandis* to dependents insofar as the military authorities are able to secure their attendance; otherwise dependents will be summoned in accordance with German law.

2. Where persons whose attendance cannot be secured by the military authorities are required as witnesses or experts by a court or a military authority of a sending State, the German courts and authorities shall, in accordance with German law, secure the attendance of such persons before the court or military authority of that State.



*Article 38*

1. If in the course of criminal or non-criminal proceedings or hearings before a court or authority of a force or of the Federal Republic it appears that the disclosure of an official secret of either of the States concerned, or the disclosure of any information which could prejudice the security of either of them might result, the court or the authority shall, prior to taking further action, seek the written consent of the appropriate authority to the disclosure of the official secret or information. In the event that the appropriate authority advances considerations against disclosure, the court or authority shall take all steps in its power, including those to which paragraph 2 of this Article relates, to prevent such disclosure, provided no constitutional right of any party to the proceedings is thereby impaired.

2. The provisions of Sections 172 to 175 of the German Judicature Act (*Gerichtsverfassungsgesetz*) on the exclusion of the public from hearings in criminal and non-criminal proceedings, and of Section 15 of the German Code of Criminal Procedure on the transfer of criminal proceedings to a court in a different district, shall be applied *mutatis mutandis* in cases before German courts and authorities where there is a threat to the security of a force or of a civilian component.

*Article 39*

Privileges and immunities of witnesses and experts shall be those accorded by the law of the court or authority before which they appear. The court or authority shall, however, give appropriate consideration to the privileges and immunities which witnesses and experts, if they are members of a force or of a civilian component or dependents, would have before a court of the sending State or, if they do not belong to these categories of persons, would have before a German court.

*Article 40*

Subject to any provision to the contrary in the NATO Status of Forces Agreement or in the present Agreement, archives, documents, official mail recognizable as such and property of a force shall be immune from search, seizure or censorship by the German authorities except where immunity is waived.

*Article 41*

1. The settlement of claims in respect of damage caused by acts or omissions of a force, a civilian component or their members, or by other occurrences for which a force or a civilian component is legally responsible, shall be governed by the provisions of Article VIII of the NATO Status of Forces Agreement and the provisions of this Article supplementary thereto.

2. No compensation shall be payable in respect of

- (a) damage to public roads, highways, bridges, navigable waterways and other public traffic facilities resulting from their use by a force or a civilian component for normal traffic purposes ;
- (b) loss of or damage to property which has been constructed or procured from occupation costs, mandatory expenditures or support costs funds, to the extent that such loss or damage was caused while the property was at the disposal of a force or a civilian component for its use.

3. (a) The Federal Republic shall waive all its claims against a sending State in respect of loss of, or damage to, property owned by the Federal Republic and made available for the exclusive use of the force or of the civilian component. This shall apply equally if such property is made available for use by the forces of several sending States or is used by the force of one or more sending States jointly with the German Armed Forces. This waiver shall not apply to damage caused wilfully or by gross negligence, nor to damage to the property of the German Federal Railways or German Federal Post.

(b) The provisions of sub-paragraph (f) of paragraph 2 of Article VIII of the NATO Status of Forces Agreement shall not apply to loss of or damage to property owned by the German Federal Railways or the German Federal Post nor to damage to Federal roads.

4. The Federal Republic shall relieve the sending States of liability for claims arising from loss of or damage to property owned by a *Land*, if the loss or damage was caused prior to the entry into force of the present Agreement.

5. Each sending State shall waive all its claims against the Federal Republic in respect of loss of or damage to property owned by such sending State and caused by members or employees of the German Armed Forces in the performance of official duties or by the use of vehicles, ships, or aircraft of the German Armed Forces, provided that it is property used by the force or the civilian component of that State and that it is located in the Federal territory. This waiver shall not apply to damage caused wilfully or by gross negligence.

6. The provisions of paragraph 5 of Article VIII of the NATO Status of Forces Agreement and of this Article shall not apply to damage suffered by members of a force or of a civilian component and caused by acts or omissions of other members of the same force or the same civilian component, or by other occurrences for which such force or such civilian component is legally responsible.

7. The organizations referred to in paragraph 2 of Article 71 shall for the purpose of the settlement of damage claims in accordance with Article VIII of the NATO Status of Forces Agreement in conjunction with this Article be considered to be, and treated as, integral parts of the force concerned unless it is agreed that any such organization shall not enjoy in that respect exemption from German jurisdiction.

8. The liability of a force or of a civilian component shall not be affected by the fact that such force or civilian component enjoys exemption from German regulations. Where the German Armed Forces enjoy the same exemptions, compensation shall be payable only if and to the extent that compensation is payable for damage caused by the latter.

9. (a) In cases where an occurrence causing damage to a third party and compensable under paragraph 5 of Article VIII of the NATO Status of Forces Agreement has also given rise to damage to the sending State concerned, and where the third party is liable to compensate for such damage, the claim of the sending State is to be set off against the claim of the third party.

(b) The Federal Republic shall, in accordance with administrative agreements, and at the request of a sending State, assert for that State claims against persons resident in the Federal territory and arising out of damage caused there to such State; this shall not apply to contractual claims. Such expenses which the Federal Republic incurs in asserting claims over and above the general costs of administration shall be reimbursed by the sending State.

10. In respect of claims concerning damage to accommodation or loss of, or damage to, movables, other than accommodation or movables owned by the Federation or by a *Land*, which were made available for exclusive use by a force or a civilian component before 5 May 1955, and which are released by the force or the civilian component after the entry into force of the present Agreement, compensation shall be borne by the Federal Republic and the sending State concerned in equal parts.

11. (a) Except in cases where after inquiry of the forces concerned it is not possible to establish to which of them the loss or damage is attributable, the force shall furnish a certificate concerning the questions dealt with in paragraph 8 of Article VIII of the NATO Status of Forces Agreement; it shall, at the request of the German authorities, review such certificate if, during investigation of a claim, a German authority or a German court considers that circumstances exist which would lead to an inference different from that contained therein.

(b) If a difference of opinion remains that cannot be resolved in further discussions between the two parties at higher level, the procedure provided in paragraph 8 of Article VIII of the NATO Status of Forces Agreement shall be followed.

(c) The German authorities or courts shall make their decisions in conformity with the certificate or the decision of the arbitrator respectively.

12. (a) The provisions of Article VIII of the NATO Status of Forces Agreement and of this Article shall apply to those damages which are caused or which are deemed to be caused after the entry into force of the present Agreement.

(b) Damages which were caused before the entry into force of the present Agreement, or which are deemed to have been caused before that date, shall be dealt with in accordance with the regulations which were until then applicable.

13. Administrative agreements shall be concluded to regulate procedures as between the authorities of a force and the German authorities for the settlement of damage claims.

#### Article 42

In order to safeguard the security interests of the forces the following provisions shall apply for the control of aerial photography :

- (a) Upon request, the German authorities shall notify the authorities of a force of all applications for licence to engage in commercial aerial photography (*Grunderlaubnis*) which they intend to grant. They shall take into consideration the comments of the force when making their decision in any particular case.
- (b)
  - (i) Subject to the provisions of item (iv) of this sub-paragraph, the German authorities shall forward to the authorities of a force copies of all applications for permits to photograph (*Aufnahmeerlaubnisse*) which they intend to grant.
  - (ii) Where within ten days after a copy has been received the authorities of the force raise objections on grounds of secrecy or security and where consultations between the German authorities and the authorities of the force are inconclusive, the matter shall be dealt with without delay at a higher level. The German authorities shall not permit aerial photography of installations, equipment, troop dispositions or movements of a force if the authorities of the force state that its security would be endangered thereby.
  - (iii) Subject to the provisions of item (iv) of this sub-paragraph, the German authorities shall, upon request, permit the authorities of a force to examine negatives of aerial photographs, and in agreement with the authorities of the force shall take, with respect to such negatives, any

measures necessary to safeguard the secrecy or security of installations, equipment, troop dispositions or movements of the force.

- (iv) The exercise of the rights of a force provided for in items (i) and (iii) of this sub-paragraph shall be limited to the geographical areas defined in administrative agreements to be concluded with the German authorities.
- (c) Notwithstanding the provisions of item (iii) of sub-paragraph (b) of this Article, permission to photograph may be granted by the German authorities, after consultation with the authorities of the force referred to in item (iv) of sub-paragraph (b) of this Article, where aerial photography for official survey purposes is commissioned by a German authority. In such cases the German authorities shall ensure that the authorities of the force will have first access to negatives and that any measures requested by them to safeguard the secrecy or security of installations, equipment, troop dispositions or movements of a force, are carried out with respect to such negatives.

#### Article 43

1. In the fields of meteorology, geodesy, topography, hydrography and cartography, the authorities of a force and the German authorities shall communicate to each other information on all matters of importance for the common defence and shall exchange all data necessary for this purpose.

2. The authorities of a force may, after timely notification to the German authorities, make topographic, geodetic, hydrographic or engineering surveys or reconnaissances in the interest of the common defence if special reasons of security or secrecy necessitate this or if the German authorities are unable to carry out such projects to the extent or within the time required. Representatives of the German authorities may be present, unless prohibited by special reasons of secrecy, while any such survey is being made. The German authorities shall, when necessary, use their powers under German law in order to obtain authority for representatives of the force to enter property.

#### Article 44

1. In the settlement of disputes arising from contracts concluded by the German authorities for the account of the authorities of a force or of a civilian component there shall at all times be close co-operation between those authorities, whether or not court proceedings are involved. This shall apply *mutatis mutandis* to disputes arising out of work, personnel representation, or social insurance of civilian labour

with a force or a civilian component as well as to disputes which arise from procedures referred to in sub-paragraph (c) of paragraph 1 of Article 62 of the present Agreement. Details or such co-operation shall be laid down in administrative agreements.

2. So far as they relate to court proceedings instituted against the Federal Republic, the agreements referred to in paragraph 1 of this Article shall be based on the following principles :

- (a) The authorities of the force or of the civilian component shall be notified without delay of the lodging of a plaint and shall be consulted at all material stages of the proceedings.
- (b) The decision as to whether or not an appeal should be lodged shall be taken only in agreement with the authorities of the force or of the civilian component. Failing agreement, the German authorities shall lodge an appeal if an authority of the force or, where applicable, an authority of the civilian component, at highest level, confirms its essential interest in that action being taken. The authorities of the force or of the civilian component shall not object to the lodging of an appeal if a Federal authority at the highest level confirms its essential interest in that action being taken. To the extent that the reasons underlying the confirmation of the interest referred to in the second and third sentences of this paragraph have not become known to the other party in the course of negotiations on the lodging of an appeal, such reasons shall be given on request.

3. Paragraph 2 of this Article shall apply *mutatis mutandis* to court proceedings instituted by the Federal Republic, it being understood that the principles set out in sub-paragraph (b) of paragraph 2 shall also be applied to the lodging of plaints.

4. Whether or not court proceedings are involved in the disputes referred to in paragraph 1 of this Article, the German authorities shall terminate such disputes only in agreement with the authorities of the force or of the civilian component.

5. (a) The sending State concerned shall meet all the obligations laid upon, and shall enjoy any benefits accruing to the Federal Republic as a result of judgments, decisions, orders and settlements (*vollstreckbare Titel*) in the court proceedings arising from disputes referred to in paragraph 1 of this Article.

(b) Where, solely as a result of a Federal authority at the highest level having confirmed its essential interest in the lodging of a plaint or an appeal, the force or the civilian component has raised no objection to that action being taken, and if the plaint or appeal gives rise to additional costs in the court proceedings, agreement shall be reached on a case to case basis as to whether and to what extent the obligations arising from such court proceedings are chargeable to the sending State or to the Federal Republic.

(c) Costs arising in connection with court proceedings which are not included in the costs awarded by the court shall be paid by the sending State if the force or the civilian component has given its agreement before the costs were incurred.

6. (a) Disputes arising from direct procurement by the authorities of a force or of a civilian component of goods and services in the Federal territory shall be settled by German courts or by an independent arbitration tribunal. Where the German courts are to decide the dispute, the plaint shall be lodged against the Federal Republic, which shall conduct the case in its own name in the interest of the sending State. Paragraphs 2, 4 and 5 of this Article shall apply *mutatis mutandis* as regards relations between the Federal Republic and the sending State.

(b) Agreements between the Federal Republic and a sending State shall, however, take precedence over the provisions of sub-paragraph (a) of this paragraph.

#### Article 45

1. Insofar as a force is not able to carry out its training programme on the accommodation made available for its permanent use without impairing the purposes of such training, the force shall have the right to conduct manœuvres and other training exercises outside such accommodation in such measure as is necessary to the accomplishment of its defence mission and in accordance with orders or recommendations which the Supreme Allied Commander in Europe or any other competent authority of the North Atlantic Treaty Organization may issue. The exercise of this right shall be governed by the relevant provisions of German law on the conduct of manœuvres and other training exercises, except where otherwise provided in paragraphs 2 to 7 of this Article.

2. (a) A force shall take all necessary measures to ensure that damage during the conduct of manœuvres and other training exercises will be prevented as far as possible and that the economic use of plots of land (*Grundstücke*) is not substantially impaired.

(b) The force shall not re-use a plot of land on which considerable damage has been caused by manœuvres or other training exercises, for a period of three months, except with the consent of the German authorities.

(c) If the economic use of a plot of land has been substantially impaired by manœuvres or other training exercises conducted by a force, the force shall refrain from conducting manœuvres or other training exercises on such plot of land for so long as it is to be feared that manœuvres or other training exercises might lead to further or renewed substantial impairment of the economic use of such plot of land.

(d) Should the German authorities raise objections to the utilisation of a specific plot of land on the grounds that its utilization is prohibited under sub-paragraph (b) or (c) of this paragraph, they shall, on the request of the authorities of the force, enter

into negotiations on the use of an alternative plot of land which satisfies the training requirements of the force, taking due account of German interests as well as of military requirements.

(e) Provisions of German law according to which the same terrain (*Gelände*) shall only in exceptional cases be used more than once in three months for exercises lasting several days shall not be applicable to a force.

3. To the extent that military reasons render it indispensable that a force utilise a nature preserve or a nature park or parts thereof, the Federal Government shall, unless the person entitled consents to such utilization, conclude with the Government of the sending State an agreement defining such nature preserve or nature park or parts thereof, and establishing to the extent necessary details of the utilization. In accordance with the agreement concluded, the force may utilise such nature preserve or nature park or parts thereof without the consent of the person entitled to grant it.

4. If the German authorities propose, instead of an area envisaged by the authorities of the force for the conduct of a manœuvre or other training exercise, an alternative area which suffices for the training requirements of the force, the force shall not conduct the manœuvre or other training exercise in the area first envisaged.

5. (a) The authorities of a force shall notify the German authorities at the earliest possible date of their programmes of manœuvres and other training exercises.

(b) Prior to the commencement of a manœuvre or other training exercise, the authorities of the force shall communicate to the German authorities by a given date, to be established by agreement between the Federal Government and the Governments of the sending States, a plan for the conduct of the manœuvre or the other training exercise in question together with all necessary documentation and explanations and shall, if requested by the German authorities, discuss such plan with them. Such plan shall in particular contain data on the type, time of commencement, duration, and place, of the exercises and shall state whether public ways are to be wholly or partly closed or to be used other than as stipulated by German law, and if so, what safety measures are to be taken. Where use is to be made of aircraft in connection with a manœuvre or other training exercise, such plan shall contain details of such use; Article 46 of the present Agreement shall remain unaffected.

(c) Should no objections be raised by the German authorities to a plan within a fixed period of time to be established by agreement between the Federal Government and the Government of a sending State, the authorities of the force may act on the assumption that no such objections exist.

(d) Should the German authorities raise objections to a plan, endeavours shall be made without delay by way of joint discussion to reach agreement, taking due account both of German interests and of military requirements.



(e) Should the German authorities and the authorities of the force, either at local or at regional level, fail to reach agreement upon a plan within an appropriate period of time, the matter shall, at the request of the German authorities or the authorities of the force, be further discussed by the Federal Government and the Government of the sending State in order to reach agreement.

(f) Should the Federal Government and the Government of the sending State fail to reach agreement on a plan within an appropriate period of time, each Government may refer the matter to the Secretary-General of the North Atlantic Treaty Organization with a request for his expert opinion as to whether the planned manœuvre or other training exercise is of primary importance to the accomplishment of the defence mission of the force and in conformity with the directives laid down within the framework of the North Atlantic Treaty Organization. Such expert opinion shall be given due consideration in the course of further negotiations between the Governments.

(g) The force shall conduct the manœuvre or other training exercise in accordance with the agreement reached on the plan.

6. (a) After agreement has been reached on a plan, the authorities of the force shall inform the German authorities of their intention to conduct the manœuvre or other training exercise in sufficient time to enable the German authorities to announce the manœuvre or other training exercise at least two weeks prior to its commencement.

(b) If for important reasons not foreseen during the discussion of the plan the German authorities raise objections to the conduct of the manœuvre or other training exercise in a specific area or at a specific time, especially on the grounds that the manœuvre or other training exercise would endanger public safety and order or public health, or would as a result of weather conditions cause considerable damage, endeavours shall be made without delay by way of joint discussion to reach agreement, taking due account of these reasons.

(c) The local German authorities shall establish restrictive conditions, which under German law they may establish in individual cases (paragraph 1 of Section 66 of the Federal Requisitioning Law) only in agreement with the authorities of a force to the extent that the force is affected thereby.

7. For the purpose of effective coordination of civilian and military interests in the application of this Article, the Federal Government and the Government of a sending State may by agreement establish a Permanent Committee.

#### *Article 46*

1. A force shall have the right to conduct manœuvres and other training exercises in the air in such measure as is necessary to the accomplishment of its defence mission and in accordance with orders or recommendations which the Supreme

Allied Commander in Europe or any other competent authority of the North Atlantic Treaty Organization may issue. Except where otherwise provided in paragraphs 2 to 6 of this Article, the exercise of this right shall be governed by German regulations on the use of air space and the utilization of aviation installations and facilities which fall within the scope of the Standards and Recommended Practices of the International Civil Aviation Organization.

2. A force shall not, without the specific consent of the persons entitled and of the German authorities, temporarily occupy or close airfields not made available for its exclusive use. The same shall apply to installations designed to ensure air traffic safety.

3. The authorities of a force and the German authorities shall reach agreement regarding areas which may be flown over at altitudes lower than otherwise permissible.

4. Air manoeuvres and other air exercises which affect controlled air space and which cannot be cleared by normal air traffic clearance procedure, or which require the issue of a navigational warning, shall be notified to the German authorities in good time. Notification procedure shall follow the decisions of the Standing Commission for co-ordination of aviation or its successor organization.

5. Where agreement on particular measures for co-ordination is not reached between the authorities of a force and the air traffic control authorities within an appropriate period of time, the matter shall be referred to the Standing Commission for co-ordination of aviation or its successor organization.

6. The provisions of Article 45 of the present Agreement shall be applicable to off-base landings as well as to parachute jumps or drops on to accommodation not made available to a force for its permanent use.

#### *Article 47*

1. The Federal Republic shall accord to a force or a civilian component treatment in the matter of procurement of goods and services not less favourable than is accorded to the German Armed Forces.

2. Having regard to any measures which may become necessary under the second sentence of paragraph 2 of Article IX of the NATO Status of Forces Agreement, the authorities of a force or of a civilian component shall, on request, inform the German authorities of their requirements for defined categories of supplies.

3. A force or a civilian component may procure goods and services which they need either direct, or, after prior agreement, through the appropriate German authorities.

4. Where the authorities of a force or of a civilian component procure goods and services direct,

- (a) they may apply their normal procedure, provided, however, that they respect the principles applying in the Federal Republic regarding public procurement which are reflected in the regulations concerning competition, preferred tenderers, and prices applicable to public contracts ;
- (b) they shall inform the German authorities of the subject and size of the order, the name of the supplier and the agreed price, except in the case of minor orders.

5. Where the authorities of a force or of a civilian component procure goods and services through the German authorities,

- (a) the authorities of the force or of the civilian component shall inform the German authorities in good time of their requirements in detail, giving, in particular, technical specifications and special conditions of delivery and payment ;
- (b) contracts in respect of goods and services shall be concluded between the German authorities and the suppliers ; the German legal and administrative provisions governing public contracts shall apply thereto ;
- (c) the German authorities, without prejudice to their exclusive competence vis-à-vis the supplier, shall allow the authorities of the force or of the civilian component to participate in the placing and carrying out of contracts to the extent necessary for taking their interests duly into account ; in particular, no contract will be placed or modified without the written consent of the authorities of the force or of the civilian component ; unless otherwise agreed, acceptance of goods and services shall be made jointly ;
- (d) the sending State shall reimburse the Federal Republic in respect of :
  - (i) any expenditure incumbent upon the Federal Republic under German law relating to public contracts, provided that expenditure arising from settlements out of court shall be reimbursed only if the force has consented to the settlement ;
  - (ii) *ex gratia* payments made with the consent of the force ;
  - (iii) expenditure, which cannot be charged to the contractor, arising from measures taken by the German authorities in cases of emergency in order to safeguard the interests of the force or of the civilian component ;
- (e) the necessary funds shall be made available by the authorities of the force and of the civilian component in time to permit payment to be made on due dates ;
- (f) the authorities of the force or of the civilian component shall be entitled, in a manner to be agreed, to audit documents relative to payments made by the competent German payment agencies ;

- (g) details of the procedures under sub-paragraphs (a), (c), (d), (e) and (f) of this paragraph shall be established in administrative agreements between the German authorities and the authorities of the force or of the civilian component, with the particular object of ensuring the carrying out of the procurement procedure within the time limits laid down.

#### Article 48

1. (a) The accommodation requirements of a force or of a civilian component shall be satisfied only in accordance with the NATO Status of Forces Agreement and the provisions of the present Agreement.

(b) The accommodation requirements of a force or of a civilian component shall be notified to the Federal authorities in the form of periodic programmes. Outside such programmes, the authorities of a force shall notify accommodation requirements only in cases of urgency. Such notifications shall contain detailed specifications drawn up by the force, including in particular the general area, size, proposed utilization, foreseeable duration of the requirement and the dates by which the accommodation shall be made available.

(c) Agreements shall be concluded between the authorities of a force or of a civilian component and the German authorities on the satisfaction of accommodation requirements. Such agreements shall also cover access to accommodation (roads, railways, or waterways) and, where appropriate, the costs referred to in sub-paragraph (b) of paragraph 5 of Article 63. The measures to be taken in accordance with such agreements shall be carried out by the German authorities.

(d) The German authorities shall, when requested, name the enterprises which are responsible for supplying a force or a civilian component with water, gas, electricity, or for sewage disposal, and with whom contracts could be concluded. Insofar as the requirements of the force or of the civilian component cannot be satisfied by contracts between the authorities of the force or of the civilian component and the enterprises concerned, an agreement on the satisfaction of these requirements shall be concluded between the German authorities and the authorities of the force or of the civilian component, should the latter so request. The German authorities shall take appropriate measures to ensure the implementation of this agreement, if necessary by the conclusion of contracts.

2. The Federal Republic shall ensure that accommodation made available to a force or a civilian component within the framework of the provisions of the Forces Convention for its use and which is still in its possession upon the entry into force of the present Agreement shall remain available to the force or the civilian component until such time as it is to be released under sub-paragraphs (a) and (b) of paragraph 5 of this Article. This shall not apply to accommodation allocated for public transport or its supply facilities or for postal services or telecommunications ; such accommoda-

tion shall be released insofar as it has not been otherwise agreed between the German authorities and the authorities of the force.

3. (a) Agreements (*Überlassungsvereinbarungen*) shall be concluded in writing in respect of the accommodation to be made available to a force or a civilian component pursuant to paragraph 1 of this Article ; such agreements shall contain data concerning size, type, location, condition and equipment of the accommodation, as well as details concerning its use. The accommodation shall be made available exclusively to the requiring force or civilian component for occupancy and use insofar as it is not otherwise agreed between the German authorities and the authorities of the force or of the civilian component.

(b) Sub-paragraph (a) of this paragraph shall apply *mutatis mutandis* to accommodation which remains available to a force or a civilian component pursuant to paragraph 2 of this Article.

4. A force or a civilian component shall be responsible for carrying out such repairs and maintenance as are required to keep the accommodation made available to it in a proper state of preservation, unless with respect to accommodation made available against payment, the agreements concluded pursuant to sub-paragraph (a) of paragraph 3 of this Article provide otherwise.

5. The following provisions shall apply to the release of accommodation by a force or a civilian component :

(a) (i) The authorities of a force or of a civilian component shall continually examine their requirements for accommodation, in order to ensure that the number and extent of the units of accommodation used by them are restricted to the minimum required. Furthermore, they shall at the request of the German authorities examine their requirements in specific individual cases. Without prejudice to any special agreements as to periods of use, accommodation which is no longer needed or for which alternative accommodation satisfying the needs of the force or of the civilian component is made available, shall, after prior notification to the German authorities, be released without delay.

(ii) The provisions in item (i) of this sub-paragraph shall apply *mutatis mutandis* where a force or a civilian component no longer requires the whole of a unit of accommodation and where partial release is possible.

(b) Without prejudice to the provisions of sub-paragraph (a) of this paragraph, the authorities of a force or of a civilian component shall give due consideration to requests by the German authorities for the release of a particular unit of accommodation in cases where, taking into account the common defence mission, German interest in the use of such accommodation clearly predominates.

(c) Accommodation made available after the entry into force of the present Agreement to a force or a civilian component for a limited period of time shall be

released on the expiry of such period of time provided such time limit was fixed in accordance with the information given by the authorities of the force or the civilian component at the time when their requirement for accommodation was notified ; the period of use may be extended, insofar as the owner or other entitled person agrees, or as requisitioning is permissible under German procurement legislation (*deutsche Leistungsgesetzgebung*).

(d) Accommodation made available after the entry into force of the present Agreement to a force or a civilian component, and in respect of which an expropriation authority has issued an anticipatory possession order (*vorzeitige Besitzanweisung*) under the Land Procurement Law, shall be released in the event of such possession order being rescinded.

(e) Articles which have been requisitioned together with accommodation and which are still within such accommodation shall be released at the same time as the accommodation, unless the owner otherwise agrees.

#### Article 49

1. The programmes of construction projects necessary to cover the requirements of a force or of a civilian component shall be agreed upon between the German authorities competent for Federal building and the authorities of the force or of the civilian component.

2. Construction works shall normally be carried out by the German authorities competent for Federal building in accordance with German legal provisions and administrative regulations in force, and in accordance with special administrative agreements.

3. The authorities of a force or of a civilian component may, after consultation with the German authorities, carry out construction works with their own personnel, or may, applying their normal procedures, place contracts direct with contractors

(a) for minor construction projects, and,

(b) exceptionally, in other cases,

in accordance with special administrative agreements which may exist at the date of entry into force of the present Agreement or which are concluded or amended thereafter. In carrying out such works, the authorities of the force or of the civilian component shall respect German building regulations and take into consideration the principles applying in the Federal Republic regarding public construction, which are reflected in the regulations concerning competition, preferred tenderers and prices applicable to public contracts.

4. Repairs and maintenance work necessary to meet the requirements of a force or of a civilian component shall be carried out either by the German authorities or,

after consultation with those authorities, by the authorities of the force or of the civilian component. In the second alternative the provisions of paragraph 3 of this Article shall apply *mutatis mutandis*.

5. The authorities of the force or of the civilian component and the German authorities shall agree concerning the form and extent of the consultation envisaged in paragraphs 3 and 4 of this Article.

6. When the work referred to in paragraphs 2 and 4 of this Article is carried out on behalf of a force or a civilian component by the German authorities,

- (a) the authorities of the force or of the civilian component may, where they consider it necessary, participate in the drafting of the plans or may furnish plans and specifications themselves ;
- (b) the method of tender and, in the case of limited tender, the number and identity of the contractors to be invited, shall be agreed between the German authorities and the authorities of the force or of the civilian component ;
- (c) the contract shall be awarded only after the authorities of the force or of the civilian component have given their consent in writing ;
- (d) the authorities of the force or of the civilian component shall be permitted to participate in inspections of building work and shall have access to building plans and all relevant documents and accounts ;
- (e) the German authorities shall, unless it is otherwise agreed, confirm to contractors the satisfactory completion of major sections of the work only in agreement with the authorities of the force or of the civilian component ; in particular, the German authorities shall obtain the written consent of the authorities of the force or of the civilian component before releasing the contractor from his contractual obligations ;
- (f) the sending State shall reimburse the Federal Republic in respect of
  - (i) any expenditure incumbent upon the Federal Republic under German law relating to public contracts, provided that expenditure arising from settlements out of court shall be reimbursed only if the force has consented to the settlement ;
  - (ii) *ex gratia* payments made with the consent of the force ;
  - (iii) expenditure, which cannot be charged to the contractor, arising from measures taken by the German authorities in cases of emergency in order to safeguard the interests of the force or of the civilian component ;
- (g) the necessary funds shall be made available by the authorities of the force and of the civilian component in time to permit payment to be made on due dates ;

- (h) the authorities of the force or of the civilian component shall be entitled, in a manner to be agreed, to audit documents relative to payments made by the competent German payment agencies ;
- (i) the sending States shall compensate the German authorities, in accordance with administrative agreements, for the special services performed by the latter in connection with the implementation of construction works (construction planning, supervision and inspection).

#### *Article 50*

Fixtures, fittings and furnishings which are owned by the Federation may be transferred within the Federal Republic from one unit of accommodation used by a force or a civilian component to another, subject to the following restrictions :

- (a) Articles of this kind, including those procured from occupation costs, mandatory expenditures or support costs funds, which were included in the construction costs of accommodation used by a force or a civilian component, shall be removed from such accommodation only with the consent of the German authorities.
- (b) The consent of the German authorities shall equally be obtained before fixtures, fittings and furnishings which have been affixed to, or specially made to measure for, a specific unit of accommodation are removed. This shall not apply where such articles were procured from occupation costs, mandatory expenditures or support costs funds ; however, the authorities of a force or of a civilian component shall, prior to the removal of such articles, give the German authorities timely notification of their intention so as to enable the latter, in appropriate cases, to propose an alternative solution.

#### *Article 51*

1. Movable property procured from occupation costs, mandatory expenditures or support costs funds shall, when the authorities of a force or of a civilian component establish that such property is no longer required by them, be handed over to the German authorities for disposal.

2. Agreements in derogation of the provision in paragraph 1 of this Article may be reached concerning the sale or other forms of disposal of such movable property. Net receipts from such disposal shall accrue to the Federal Republic.

3. Movable property of the kind referred to in paragraph 1 of this Article may be removed from the Federal territory only if necessary to the fulfilment of the defence mission of NATO. Except as otherwise provided in paragraph 4, removal shall be governed by the following provisions :



- (a) The German authorities shall be given prior, in urgent cases subsequent, notification of the removal.
- (b) Notification to the German authorities shall not be required in the case of
  - (i) removal of articles of minor purchase value ;
  - (ii) temporary removal of articles incidental to manoeuvres or activities of a force requiring frequent and repeated crossings of the borders of the Federal Republic.

4. Any removal of property of the kind referred to in paragraph 1 of this Article in connection with the transfer of units of a force for the purpose of reduction or complete withdrawal of the force shall be the subject of special agreements.

5. Paragraphs 1 and 2 of this Article shall remain unaffected in cases involving removal from the Federal territory ; they shall apply equally where movable property of the kind referred to in paragraph 1 is no longer necessary to the fulfilment of the defence mission of NATO.

6. Fixtures, fittings and furnishings belonging to accommodation and procured from occupation costs, mandatory expenditures or support costs funds shall not be removed from the Federal territory.

7. Details shall be the subject of administrative agreements.

#### Article 52

1. Where a sending State intends to release in whole or in part accommodation or other property legally owned by the Federation or a *Land* (*rechtlich im Eigentum des Bundes oder eines Landes stehend*) and made available to the force or to the civilian component for use, agreement shall be reached between the authorities of the force or of the civilian component and the German authorities concerning the residual value, if any, remaining at the time of release in improvements which were financed by the sending State out of its own funds. The sending State shall be reimbursed by the Federal Republic for such agreed residual value. The first and second sentences of this paragraph shall also apply to equipment and supplies procured by the sending State with its own funds and which by agreement are to remain on such accommodation.

2. Payment under paragraph 1 of this Article shall not be made to the extent that compensation for damage caused to accommodation or other property by the sending State is payable under Article 41 of the present Agreement or would have been payable if the claim had not been waived or the sending State had not been relieved of liability for such claims under that Article.

3. A sending State shall not be required to remove improvements articles of equipment, of supplies from accommodation or other property legally owned by the

Federal Republic or by a *Land* (*rechtlich im Eigentum des Bundes oder eines Landes stehend*). Where the accommodation or other property is legally owned by a *Land*, the Federal Republic shall relieve the sending State from the liability for any possible claim that may be due to the *Land* under German law by reason of such non-removal.

4. A sending State shall not assert any claim in respect of the residual value of improvements to property of the kind referred to in paragraph 1 of this Article or in respect of improvements to property made available to the force or to the civilian component for use free of charge and owned by juristic persons in which the Federation or a *Land* financially participates, if the improvements have been financed out of funds made available to the sending State by the Federation or a *Land*. This shall not affect the setting off of the residual value of such improvements against compensation for damage caused during the period of use of such property by the force or the civilian component or during the removal of such improvements.

#### Article 53

1. Within accommodation made available for its exclusive use, a force or a civilian component may take all the measures necessary for the satisfactory fulfilment of its defence responsibilities. Within such accommodation, the force may apply its own regulations in the fields of public safety and order where such regulations prescribe standards equal to or higher than those prescribed in German law.

2. The first sentence of paragraph 1 of this Article shall apply *mutatis mutandis* to measures taken in the air space above accommodation, provided that measures which might interfere with air traffic are taken only in coordination with the German authorities. The provisions of paragraph 7 of Article 57 of the present Agreement shall remain unaffected.

3. In carrying out the measures referred to in paragraph 1 of this Article, the force or the civilian component shall ensure that the German authorities are enabled to take, within the accommodation, such measures as are necessary to safeguard German interests.

4. The German authorities and the authorities of the force or of the civilian component shall co-operate to ensure the smooth implementation of the measures referred to in paragraphs 1, 2 and 3 of this Article. The details of such co-operation are set forth in paragraphs 5 to 7 of the Section of the Protocol of Signature referring to this Article.

5. Where accommodation is used jointly by a force or a civilian component and the German Armed Forces or German civilian agencies, the regulations required for

such use shall be laid down in administrative agreements or in special agreements in which appropriate consideration shall be given to the position of the Federal Republic as receiving State as well as to the defence responsibilities of the force.

6. In order to enable a force or a civilian component satisfactorily to fulfil its defence responsibilities, the German authorities shall take appropriate measures, at the request of the force to

- (a) establish restricted areas (*Schutzbereiche*) ;
- (b) supervise or restrict construction, cultivation and movement in the vicinity of accommodation made available to the force for its use.

#### Article 54

1. The German regulations for the prevention and control of infectious diseases of humans, animals and plants as well as for the prevention and control of plant pests shall apply to a force and a civilian component insofar as the regulations of the force in these fields do not prescribe equal or higher standards. Within the accommodation made available for its use, a force may apply its own regulations, provided that neither public health (*öffentliche Gesundheit*) nor the cultivation of plants is endangered thereby.

2. The authorities of a force and the German authorities shall promptly inform each other of the outbreak, or suspected outbreak, development and elimination of an infectious disease, as well as of the measures taken.

3. If the authorities of a force deem it necessary to take health protection measures in the vicinity of accommodation made available for its use, they shall reach agreement with the German authorities regarding the execution of such measures.

4. Where German law prohibits the importation of certain articles, these articles may, with the approval of the German authorities, and provided that neither public health nor the cultivation of plants is endangered thereby, be imported by the authorities of a force. The German authorities and the authorities of the force shall agree on categories of articles the import of which is approved by the German authorities under this provision.

5. The authorities of a force may, with the approval of the German authorities, carry out the examination and control of articles imported by them. They shall ensure that neither public health nor the cultivation of plants is endangered as a result of the importation of such articles.

*Article 55*

1. (a) Defensive works required to execute NATO plans for common defence within the areas for the defence of which the authorities of a force are responsible shall be planned and executed by agreement between the authorities of the force and the Federal authorities.

(b) The work shall be carried out by the German authorities in liaison with the authorities of the force. However, where there is a special need for secrecy or security, the force shall have the right, after appropriate consultation and at sites agreed upon with the Federal authorities, to carry out such work with its own personnel or with non-German specialists.

2. The Federal authorities and the authorities of a force shall co-operate to ensure that defensive measures necessary to meet defence requirements are prepared and carried out adequately and in good time.

*Article 56*

1. (a) German labour law, as applicable to civilian employees working with the German Armed Forces, with the exception of decrees regulating working conditions (*Dienstordnungen*) and tariff regulations, shall apply to employment of civilian labour with a force or a civilian component except as otherwise provided in the present Agreement.

(b) When seeking employment with an authority of a force or of a civilian component, the applicant shall be exclusively responsible, if so required, for furnishing proof that he has not been convicted of any offence. If the applicant cannot obtain a police certificate (*Führungszeugnis*), the German authorities shall, in accordance with the provisions of German law, provide him with an extract from the penal register if he presents a certificate from the force or the civilian component that he has applied for employment and if the issue of such extract does not endanger any essential German interests.

(c) Without prejudice to their claim to remuneration, civilian employees shall have no right to actual work.

(d) Transfers for duty reasons within the Federal Republic shall require the written consent of the civilian employee ; such consent may be given at any time.

(e) A force shall have the right to assemble non-German civilian labour to form civilian service organizations.

(f) Employment of civilian labour with a force or a civilian component shall not be deemed employment with the German public service.

2. If a German Labour Court decides that the contract of employment has not come to an end by notice to terminate, it shall fix *ex officio* the compensation payable

in the event that the continuation of the employment is refused. This shall apply to proceedings to obtain protection against dismissal (*Kündigungsschutzverfahren*) as well as to other actions for a declaratory judgment (*Feststellungsklage*), or for damages or specific performance (*Leistungsklage*) arising out of the contract of employment. The amount of compensation shall be determined according to the provisions of German labour law. The contract of employment shall be deemed to be terminated upon a refusal to continue the employment. The force or the civilian component shall inform the person concerned without delay, and, in any case, not later than two weeks after service of the decision of the Labour Court, whether it chooses to continue the employment or to pay the compensation. If no statement is made within this period of time, the force or the civilian component shall be deemed to have chosen to pay the compensation. The choice of continued employment of the person concerned shall not preclude the possibility of filing an appeal against the decision. This paragraph shall not apply to members of works councils (*Betriebsvertretungen*).

3. The provisions of German law concerning social insurance, including accident insurance, unemployment insurance and children's allowance shall apply to labour working with a force or a civilian component. The Federal Republic shall be the accident insurance carrier.

4. German civilian labour working with a force or a civilian component shall only be engaged in services of a non-combatant nature including civilian guard duties.

5. The German authorities, in agreement with the authorities of a force or of a civilian component shall

(a) establish the terms and conditions of employment, including wages, salaries and job groupings, which shall serve as the basis for individual employment contracts, and shall conclude tariff agreements ;

(b) regulate payment procedure.

6. The authorities of a force or of a civilian component shall, in respect of the employment of labour, have the right of engagement, classification in accordance with sentences 2 to 6 of sub-paragraph (a) and with sub-paragraph (b) of paragraph 7 of this Article, and of placement, training, transfer, dismissal and acceptance of resignations.

7. (a) The authorities of a force or of a civilian component shall determine the number of jobs required and classify such jobs in accordance with the job groupings established under sub-paragraph (a) of paragraph 5 of this Article. The individuals to fill such jobs shall be provisionally classified by the authorities of the force or of the civilian component into the appropriate wage or salary groups. The latter classification shall be subject to the approval of the competent German authorities. Such approval shall be deemed to have been given, unless the German authorities raise an objection

within two weeks of the date of receipt of notification of the provisional classification. If an objection has been raised, the appropriate classification shall be determined by consultation between the authorities of the force or of the civilian component and the German authorities. The remuneration for the period covered by the provisional classification shall be paid according to the final classification ; the worker shall be so informed at the time of the provisional classification.

(b) The authorities of the force shall carry out the classification of the members of the civilian service organizations. They shall inform the appropriate German authorities of such classification and shall give due consideration to any suggestions for amendment made by the latter.

8. Disputes arising out of employment or social insurance shall be subject to German jurisdiction. Lawsuits against the employer shall be filed against the Federal Republic. Lawsuits on behalf of the employer shall be instituted by the Federal Republic.

9. The provisions of German law concerning personnel representation as applicable to the civilian employees of the German Armed Forces shall apply to the employees representation of civilian labour of a force or of a civilian component unless otherwise provided in the Section of the Protocol of Signature referring to this Article.

10. Where the German authorities carry out administrative work in respect of the employment of labour by a force or a civilian component and of its remuneration, the costs of such administrative work shall be reimbursed by the force in the amount of a percentage of the total wages and salaries, including allowances and gratuities, administered by the German authorities. The percentage shall be based on actual costs and shall be the subject of separate agreements between the German authorities and the authorities of each sending State, in which the criteria for assessing such costs shall also be laid down.

#### *Article 57*

1. A force, a civilian component, their members and dependents shall have the right to cross the borders of the Federal Republic or to move within and over the Federal territory in vehicles, vessels and aircraft.

2. The operating rights of the German railways shall remain unaffected. The registration and movement of freight cars and passenger cars of a force as well as the admittance of locomotives of the force shall be governed by registration contracts or administrative agreements to be concluded between the authorities of the force and the German railway authorities.

3. Unless otherwise provided in the present Agreement, German traffic regulations shall apply to a force, a civilian component, their members and dependents.

4. (a) Deviations from German regulations governing conduct in road traffic shall be permitted to a force only in cases of military exigency and then only with due regard to public safety and order.

(b) Agreements shall be concluded between the authorities of a force and the German authorities regarding the designation and use of a road network for military traffic by vehicles and trailers the dimensions, axle loads, total weight or number of which exceed limitations under German traffic regulations. The operation of such vehicles and trailers on roads not within the agreed network shall be permitted only in case of accidents, catastrophes, state of emergency or by agreement between those authorities.

5. Subject to due regard being paid to public safety and order, German regulations shall not apply to the construction, design and equipment of vehicles, trailers, inland water vessels or aircraft of a force and of a civilian component if such vehicles, trailers, inland water vessels or aircraft conform to the regulations of the sending State.

6. A force and a civilian component shall be allowed to use civilian airfields and other landing areas not made available for their exclusive use for landing military aircraft only in cases of emergency or in accordance with administrative agreements or other arrangements concluded with the competent German authorities.

7. The German military authorities shall represent the military aviation interests of the forces within the German Commission for the Co-ordination of Civil and Military Aviation when established pursuant to the Recommendations of the International Civil Aviation Organization and of the Committee for European Air Space Co-ordination of the North Atlantic Treaty Organization, and shall be responsible for the presentation in this Commission of a co-ordinated military viewpoint. Representatives of the forces shall, where appropriate, be given adequate opportunity to present their views before the Commission.

8. All air traffic control and related communications systems developed and operated by the German authorities and by the authorities of the forces shall be co-ordinated to the extent necessary to ensure air traffic safety and the common defence.

#### *Article 58*

1. A force, a civilian component, their members and dependents shall be entitled to use publicly and privately owned German transport facilities and services which serve the needs of public transport in the Federal Republic. Unless otherwise agreed, the exercise of this right shall be subject to the generally applicable transportation regulations.

2. (a) Tariffs applicable to a force and a civilian component for the use of the transport facilities and services referred to in paragraph 1 of this Article shall be not

less favourable than those applicable to the German Armed Forces. Such tariffs shall be fixed or approved by the competent German authorities in accordance with German transportation legislation. The authorities of the force shall have the right to participate in negotiations with the carriers concerning military tariffs. When, in respect of transportation services for a force and its civilian component, special conditions arise for which the military tariffs do not provide, the German authorities shall, after negotiations between the authorities of the force and the carriers, make suitable additions to the military tariffs within the scope of their legal powers.

(b) Military tariffs shall be computed on the basis of a simplified scheme, which shall take into account the special character of military traffic and facilitate their application by a force or a civilian component.

(c) The overall effect of the application of military tariff rates shall result in no less favourable treatment for a force or a civilian component than would have resulted from the application of public tariff rates including relevant special tariffs.

3. The Federal Republic shall give sympathetic consideration to requests by a force for construction of additional facilities or for modification of existing facilities, where the transportation requirements of the force cannot otherwise be met.

4. The German authorities shall, where necessary, take appropriate steps within their competence to ensure that requirements of a force with respect to tank cars, sleeping and dining cars will be satisfied on reasonable terms by contractual arrangements between the authorities of the force and the enterprises which provide such services on a commercial basis to other users.

#### *Article 59*

1. (a) A force may establish and operate post offices for the postal and telegraphic services of the force, the civilian component, their members and dependents.

(b) In particular, the forces post offices may

- (i) receive from outside the Federal territory,
- (ii) dispatch to destinations outside the Federal territory and to other forces post offices within the Federal territory,
- (iii) carry within the Federal territory

open or closed mails of the force, the civilian component, their members and dependents.

(c) Postal remittance facilities shall be restricted to traffic between forces post offices and between such offices and other post offices of the sending State concerned.



2. The forces post offices may dispatch to the German Federal Post or receive from the German Federal Post open or closed mails of the force, the civilian component, their members and dependents. International agreements applicable between the Federal Republic and the sending State concerned shall apply to postal transactions between the forces post offices and the German Federal Post unless special agreements are concluded between the German authorities and the authorities of the force with regard to postal charges or particular services. Exchange offices shall be established by mutual agreement.

3. Mail posted at forces post offices may bear stamps of the sending State concerned.

4. Where a unit of a force does not operate forces post offices, such unit, its civilian component, their members and dependents may use the postal services of another force. Where such use is to be permanent or of long duration, the German Federal Post shall be informed as soon as possible.

#### *Article 60*

1. Insofar as this Article does not provide otherwise, a force, a civilian component, their members and dependents, shall use the public telecommunications systems of the Federal Republic. Subject to other arrangements provided for by administrative agreement, such use shall be governed by the German regulations in force at the time. In the application of such regulations, the treatment accorded to a force shall be no less favourable than that accorded to the German Armed Forces.

2. To the extent required for military purposes a force may set up, operate, and maintain :

- (a) wire telecommunication facilities within accommodation used by it ;
- (b) radio stations for fixed services, subject to prior consultation with the German authorities ;
- (c) facilities for mobile radio services and radio location services ;
- (d) other radio receiving facilities ;
- (e) temporary telecommunication facilities of any kind for training exercises, manœuvres, and in cases of emergency.

3. (a) With the consent of the German authorities a force may set up, operate, and maintain wire telecommunication facilities outside accommodation used by it if

- (i) compelling reasons of military security exist, or
- (ii) the German authorities are either not in a position to provide, or forgo the provision of, the facilities required.

(b) Expeditious procedures for obtaining the consent of the German authorities shall be ensured by administrative agreement.

4. (a) A force may continue to operate and maintain telecommunication facilities taken into use under then existing regulations prior to the entry into force of the present Agreement.

(b) Telecommunication facilities, the installation of which under then existing regulations was begun but not completed prior to the entry into force of the present Agreement, may be taken into use within a period of six months after that date, provided that they are included in a list which shall be submitted to the Federal Government upon the entry into force of the present Agreement.

5. (a) A force shall have the right to operate its own sound and television broadcasting stations for the force, the civilian component, their members and dependents, provided that such stations do not adversely affect German broadcasting services in an unreasonable manner. Subject to this condition, existing broadcasting stations of this type may continue in operation. Additional stations may be established and operated only with the agreement of the German authorities.

(b) A force, a civilian component, their members and dependents, may set up and operate sound and television broadcast receiving apparatus free of charge and without individual licences.

6. Radio frequencies together with their specific data shall be governed by the provisions of paragraph 5 of the Section of the Protocol of Signature referring to this Article.

7. Telecommunication facilities established by a force may be interconnected with the public network of the Federal Republic if they are technically and operationally compatible with such network. The points of interconnection shall be determined by mutual agreement.

8. (a) In establishing and operating telecommunication facilities, a force shall observe the provisions of the International Telecommunications Convention, Buenos Aires, of 1952,<sup>1</sup> or of such other instrument as may replace it, and of any other international instruments in the field of telecommunications binding on the Federal Republic.

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<sup>1</sup> United States of America, *Treaties and Other International Acts Series 3266*.

(b) A force shall be exempt from the provisions referred to in sub-paragraph (a) of this paragraph to the extent that such exemption is granted to the German Armed Forces under German domestic regulations.

(c) In concluding future international agreements in the field of telecommunications, the German authorities shall, after consultation with a force, give adequate consideration to the telecommunication requirements of the force.

9. (a) A force shall take all measures which can reasonably be expected of it to avoid or eliminate interference caused to German telecommunication services by the telecommunication or other electrical facilities of the force.

(b) The German authorities shall within the scope of German regulations take all measures which can reasonably be expected of them to avoid or eliminate interference caused to the telecommunication services of a force by German telecommunication or other electrical facilities.

10. Complete control of the cables identified as FK 12 and FK 41 lying within the Federal territory, including the associated equipment, shall be exercised by the authorities of the sending State concerned.

#### Article 61

1. Subject to the effects of the tax and customs exemptions provided in the NATO Status of Forces Agreement, in the present Agreement or in any other applicable agreement, the prices of deliveries and services to a force or a civilian component shall correspond to the current price levels in the Federal territory; they may not exceed the prices admissible in the case of deliveries and services to German authorities. Where goods are subsidized in the interest of the individual German consumer, such subsidies cannot be claimed by a force or a civilian component unless these goods are intended for the use of, or consumption by, persons falling under the category of labour within the meaning of Article 56 of the present Agreement.

2. The provisions of the present Agreement concerning wages, transportation and telecommunication tariffs shall not be affected by the provisions of paragraph 1 of this Article.

#### Article 62

1. Where requisitioning procedures (*Anforderungsverfahren*) are carried out on behalf of a force or a civilian component under German procurement legislation, the following provisions shall apply:

(a) The proceedings shall be instituted by the German authorities to be determined in consultation with the authorities of the force or of the civilian component.

- (b) In accordance with administrative agreements, the competent German authorities shall undertake the exercise of the rights and the fulfilment of the obligations arising out of the position of the force or the civilian component as recipients of goods, services and facilities (*Leistungsempfänger*). However, the force or the civilian component shall itself fulfil such obligations as by their nature cannot be fulfilled by the German authorities. The German authorities representing the interests of the force or of the civilian component in matters concerning the amount of compensation payable shall consent to proposals in that regard made by the person liable to supply goods, services and facilities (*Leistungspflichtiger*) or by the assessment authority only after consultation with the authorities of the force or of the civilian component; similarly, they shall themselves make proposals regarding the amount of compensation payable only after such consultation. The provisions of Article 63 of the present Agreement shall remain unaffected.
- (c) Lawsuits on behalf of, or against, the force or the civilian component arising out of their position as recipients of goods, services and facilities shall be instituted or defended by the Federal Republic in its own name.

2. The provisions of paragraph 1 of this Article shall not apply in respect of the Restricted Areas Law and the Land Procurement Law.

#### Article 63

1. If and to the extent that it is provided in paragraphs 2 to 7 of this Article, no payment shall be made for property or services used by a force for its own purposes or for the purposes of a civilian component or rendered to it for such purposes.

2. Public roads, highways, and bridges may be used free of charge by a force or by a civilian component.

3. A force or a civilian component shall enjoy free of charge administrative services and assistance, including the services of the German police, public health, and fire protection, as well as meteorological, topographical, and cartographical services to at least the same extent as the German Armed Forces. The same shall apply to the use of navigable waters.

4. (a) Except to the extent that other arrangements have been or will be made, property legally owned by the Federation (*rechtlich im Eigentum des Bundes stehend*) or which has been or will be procured or constructed from funds of the Occupation Costs and Mandatory Expenditures or Support Costs budgets, may be used free of charge by a force or a civilian component. This shall not apply to the use of property owned or administered by the German Federal Railways or Federal Post.

(b) Except to the extent that other arrangements have been or will be made, the Federal Republic shall ensure that a sending State to which property legally owned by a Land (*rechtlich im Eigentum eines Landes stehend*) has been or will be made available for use is relieved from the liability for any possible claim to compensation that may be due to the Land under German law.

(c) Except to the extent that other arrangements have been or will be made, rental for the use of property not falling under the first sentence of sub-paragraph (a) or under sub-paragraph (b) of this paragraph and which has been or will be reconstructed with funds made available by the Federal Republic or with a sending State's own funds shall be reduced in the proportion which the cost of reconstruction bears to the total value of the property.

(d) Exemption from payment for the use of property as set forth in sub-paragraphs (a) to (c) of this paragraph shall not, however, extend to

- (i) cost of repairs and maintenance ;
- (ii) current public charges on property to the extent that the Federation is obliged under German law to pay or reimburse such charges ;
- (iii) other operating costs.

5. (a) The following items of the expenditure arising in consequence of goods and services demanded or rights restricted, transferred or withdrawn under German laws at the instance of a force or of a civilian component, shall not be borne by the sending State :

- (i) compensation payable under the Land Procurement Law with the exception of

- (aa) compensation for anticipatory possession (*Besitzeinweisungsentschädigung*) except in the case of Land Procurement actions (*Landbeschaffungsvorhaben*) initiated after the entry into force of the present Agreement ;

- (bb) compensation payments for the use of accommodation made available to the force or the civilian component and not legally owned by the Federation or by a Land (*nicht rechtlich im Eigentum des Bundes oder eines Landes*), except in the case of accommodation made available to the force or the civilian component after the entry into force of the present Agreement for the purpose of the erection of permanent structures ;

- (ii) compensation for restricted areas (*Schutzbereichentschädigung*) payable under German law to the Länder, insofar as prejudice caused to property (*Vermögensnachteile*) by the establishment of the restricted area arises only from the restriction of economic use or other exploitation of the property.

(b) Where in consequence of the procurement of land for a force or a civilian component other costs arise for the Federation, negotiations on a case to case basis shall

take place between the German authorities and the authorities of the force, taking into account all relevant factors, and without prejudice to the provisions of subparagraph (c) of paragraph 6 of this Article, to determine whether, and if so to what extent the sending State for whose benefit the land is to be procured shall bear such costs, and agreements shall be concluded thereon.

(c) Where in cases in which restricted areas have been provided at the instance of a force the compensation therefor is not payable in the form of recurrent payments, the German authorities and the authorities of the force may enter into negotiations in appropriate cases, and on a case to case basis, concerning apportionment of the compensation, taking into account all relevant factors, including the period of use by the force of the accommodation for which the restricted area exists.

6. (a) Of the expenditure arising out of any kind of construction works of a force or a civilian component, or in connection with such works, the sending State shall not be liable for expenditure incurred in evacuating land (*Räumung*).

(b) If installations and facilities serving transportation and telecommunications, electricity, gas and water supply, or sewage disposal, which are established, modified, reinforced, or extended at the instance of the authorities of a force or of a civilian component serve also to satisfy German needs, the expenditure, including the cost of repair and maintenance, on such installations and facilities shall be apportioned in a manner which corresponds to the extent of the German interest as compared with the interest of the sending State. The amounts shall in each individual case be agreed between the German authorities and the authorities of the force. This arrangement shall also apply to the costs of repair and maintenance of installations and facilities of the kind mentioned which the German side plans to close down or dismantle, but which are to be retained at the request of a force or a civilian component.

(c) If in consequence of land procurement for a force or a civilian component, or as a result of construction works carried out by or for the benefit of a force or of a civilian component, installation and facilities serving transportation and telecommunications, electricity, gas and water supply, or sewage disposal, require re-routing or replacing either because they are no longer available for public use or it can be shown that it is no longer practicable so to use them, the sending State shall bear expenditure which arises only to the extent that the hitherto prevailing standard is not exceeded.

7. (a) If military or other aircraft used by a force are permanently accommodated on civil airfields, including civil airports, not made available for the exclusive use of the force, payment which varies from the fees valid under German regulations may

be agreed upon for the jointly used installations and facilities. Such payment may by arrangement be in services or in kind.

(b) Emergency landings made by military or other aircraft used by a force shall be exempt from fees.

#### Article 64

Administrative services and assistance, including the services of the German police, public health, and fire protection services, meteorological, topographical, and cartographical services, and other public services as well as public facilities, shall be made available without charge to the members of a force or of a civilian component or to dependents, in their own right, to the same extent as such facilities and services are available without charge to other persons in the Federal territory. The same shall apply to the use of public roads, highways, and bridges, and of navigable waters.

#### Article 65

1. (a) The relief from customs duties referred to in paragraph 4 of Article XI of the NATO Status of Forces Agreement shall be granted not only in respect of goods which at the time of their importation are the property of a force or a civilian component, but also in respect of goods delivered to a force or a civilian component in fulfilment of contracts concluded by the force or the civilian component directly with a person or persons not domiciled in the Federal Republic or Berlin (West). Such relief shall apply irrespective of whether such goods are carried in transport of the force or the civilian component or by commercial transport.

(b) Customs duties and excise taxes, including the Turnover Equalization Tax (*Umsatzausgleichsteuer*), shall not be levied in respect of imported goods which are withdrawn from customs-free areas or from continuous customs control for delivery to a force or a civilian component under contracts which an official procurement agency of the force or of the civilian component has concluded with a person or persons domiciled in the Federal Republic or in Berlin (West), provided that payment therefor is made in the currency of the sending State. This proviso shall also be deemed to have been fulfilled if payment is made in Deutsche Mark, which the force or the civilian component has obtained by the conversion of such currency in the Federal Republic through agreed agencies, or in Deutsche Mark which, by special agreement between the governments concerned, may be so used for this purpose.

2. The relief referred to in paragraph 1 of this Article shall apply equally to goods imported or acquired by a force or a civilian component for disposal to their members or to dependents for their private use or consumption. Except where in

specific cases it is otherwise agreed between the authorities of the force and the German authorities, disposal should be made only through specified services of the force or the civilian component or through organizations serving them, the names of which shall be notified to the Federal Government.

3. A force or a civilian component shall be permitted to dispose of goods in the Federal territory to persons other than members of the force or of the civilian component or dependents in accordance with agreements to be concluded with the German authorities. The fulfilment of the obligations under German customs legislation arising from the disposal of the goods shall be the responsibility of the person acquiring such goods. The force or the civilian component shall permit removal of the goods only on production by the person concerned of a certificate from the German customs authority concerned to the effect that he has settled all relevant matters with the German customs administration.

4. A force and the competent German authorities shall take all appropriate measures to ensure the smooth and rapid clearing of imports and exports of the force and the civilian component by the German customs authorities.

5. Customs control by the German authorities in respect of imports and exports of a force or a civilian component shall be exercised in accordance with the following principles :

- (a) Subject to the provisions of paragraph 3 of Article XI of the NATO Status of Forces Agreement and subject to the provisions of sub-paragraphs (b), (c) and (d) of this paragraph, consignments of a force or of a civilian component may be examined by the German customs authorities as to the number, type, marking and weight of the individual packages.
- (b) (i) The German customs authorities may also examine the contents of consignments. Such examination, so far as packages which are sealed with an official seal of a force or of the military authorities of a sending State are concerned, shall take place only in cases of serious suspicion. So far as other consignments are concerned, examination may also take place on a spot-check basis. The goods compartments of vehicles which are sealed as described in the second sentence of this item, and closed packages, shall be examined only in the presence of representatives of the force or of the civilian component designated for that purpose, unless in any particular case the force or the civilian component does not elect to be represented.
- (ii) The extent of the examinations and the methods by which they shall be carried out shall be the subject of special agreements to be concluded between the authorities of a force and the German customs authorities. Such agreements shall take into account the different kinds of consignment, the mode of transport, the system operated by the force, and all



other relevant factors. A force or a civilian component may request that the examination take place not at the frontier but at or near the place of destination of the consignments. In such cases the German customs authorities shall be entitled to take such steps as are necessary to ensure that the consignment reaches the place of examination intact.

- (c) If the German customs authorities so request, consignments, which, according to the certified statements of the authorities of a force, contain military equipment to which special security regulations apply, shall be subject to examination to be carried out only by representatives of the force specially designated for that purpose. The result of the examination shall be notified to the competent German authority.
- (d) The provisions of sub-paragraphs (a), (b) and (c) of this paragraph shall apply in principle also to consignments of a force which arrive at or are sent from military airfields. The German customs authorities shall, however, content themselves with occasional checks which shall be undertaken after arrangements have been made with the authorities of the force responsible for the airfield in question. The authorities of the force shall carry out a regular control of all such consignments. Customs control in the interior of aircraft which are military equipment to which special security regulations apply shall be carried out only by specially designated representatives of the force.

6. Export of goods acquired in the Federal territory by a force or a civilian component shall be subject to the deposit at the customs office of a certificate similar to that referred to in paragraph 4 of Article XI of the NATO Status of Forces Agreement, except insofar as within the scope of paragraph 10 of that Article such certificate will be dispensed with.

#### *Article 66*

1. The members of a force or of a civilian component and dependents may, in addition to their personal effects and furniture and their private motor vehicles, import other goods intended for their personal or domestic use or consumption free of duty or any other import tax. This privilege shall apply not only to goods which are the property of such persons but also to goods sent to them by way of gift or delivered to them in fulfilment of contracts directly concluded with a person or persons not domiciled in the Federal Republic or Berlin (West).

2. In the case of certain goods designated by the competent German authorities which are peculiarly the subject of customs contraventions, the privilege set forth in paragraph 1 of this Article shall apply only if such goods are imported personally by members of a force, of a civilian component or dependents in their accompanying baggage and in quantities fixed by the competent German authorities in agreement with the authorities of the force.

3. In doubtful cases the German customs officials shall be entitled to require a document to be produced certifying that the imported goods are intended for the personal or domestic use or consumption of the person importing them ; this, however, shall not apply to goods the importation of which is limited in accordance with paragraph 2 of this Article. Such certificates shall be issued only by a limited number of officials, who have been specially designated for this purpose by the authorities of the force and whose names and specimen signatures have been notified to the German authorities.

4. Disposal of goods imported duty-free or acquired under tax-relief shall be permitted among members of the forces, of the civilian components and dependents. Unless exceptions have been generally authorized by the German authorities, disposal to other persons shall be permitted only after notification to, and approval of, the German authorities.

5. (a) The customs control of goods sent through the postal or freight services of a force, by or to the members of the force, of the civilian component or dependents, shall be exercised by the German customs authorities at places designated by agreement between those authorities and the competent authorities of the force. The customs inspection shall take place in the presence of representatives of the authorities of the force.

(b) If, for the purpose of applying the provisions concerning exchange control contained in Article 69 of the present Agreement, it becomes necessary to carry out in post offices of a force inspection of letters and postal packets sent by or to members of the force, of the civilian component or dependents, the sender or the receiver or an authorized representative of either must be present when such letters and packets are opened. The extent of these inspections and the manner in which they shall be carried out shall be agreed between the authorities of the force and the German authorities.

6. The members of a force or of a civilian component or dependents may re-export free of exit dues (*Ausgangsabgaben*) goods brought by them into the Federal Republic. They may also, without being subject to economic export prohibitions or limitations and exit dues, export, in quantities consistent with their economic standing, goods which they own and which are not intended for trade. In doubtful cases the German customs authorities shall be entitled to require a document to be produced certifying that these conditions are fulfilled. This document shall be issued in accordance with the provisions of the last sentence of paragraph 3 of this Article.

7. When a customs control of members of a force, of a civilian component or dependents takes place at a customs office at which frontier liaison officials of a force

are stationed, the German customs officials shall call in such officials if contraventions are discovered or if difficulties arise in connection with the inspections.

*Article 67*

1. A force shall not be subject to taxation in respect of matters falling exclusively within the scope of its official activities nor in respect of property devoted to such activities. This shall, however, not apply in respect of taxes which may arise from commercial trading by the force in the German economy or in respect of property devoted to this purpose. Deliveries made and services rendered by the force to its members, members of the civilian component and dependents shall not be regarded as commercial trading in the German economy.

2. Exemption from customs duties and other import and export duties on goods imported or exported by a force or a civilian component, or acquired by them from customs-free areas or from installations under customs control, shall be determined in accordance with Article XI of the NATO Status of Forces Agreement and with Article 65 of the present Agreement.

3. (a) (i) The tax relief provided under items (ii) to (iv) of this sub-paragraph shall be granted when goods or services are procured by an official procurement agency of a force or a civilian component for the use of, or consumption by, the force, the civilian component, their members, or dependents, provided that payment is made in the currency of the sending State. This proviso shall also be deemed to have been fulfilled if payment is made in Deutsche Mark which the force or its authorized agent has obtained by the conversion of such currency in the Federal Republic, or in Deutsche Mark whose use is admissible within the scope of the provisions of this paragraph in accordance with any special agreement reached between the German authorities and the authorities of the sending State. Tax exemptions and refunds shall be taken into account in calculating prices.

(ii) Deliveries and services to a force or a civilian component shall be exempt from the turnover tax. On request, suppliers shall be granted such refunds as are provided in the German Turnover Tax Law in the event of export. Deliveries to a force or a civilian component shall be deemed to be wholesale deliveries.

(iii) Transportation services rendered to a force or a civilian component by the German Federal Railways or by commercial transportation enterprises shall be exempt from transportation tax. Exemption from transportation tax shall not be granted for transportation services rendered for or by a supplier or person who renders services

in connection with deliveries or services to a force or a civilian component whether carried by factory-owned long-distance transport (*Werkfernverkehr*), by the German Federal Railways or by other commercial carriers.

(iv) Goods delivered to a force or a civilian component from the free inland trade (*zollrechtlich freier Verkehr*) shall be granted the exemptions, refunds or price discounts provided by customs, excise, and fiscal monopoly legislation in the event of export.

(b) Sub-paragraph (a) of this paragraph shall apply equally when the German authorities carry out procurement or construction works for a force or a civilian component.

(c) The relief referred to in subparagraphs (a) and (b) of this paragraph shall be granted subject to furnishing proof to the appropriate German authorities that the requirements for such grant are fulfilled. The form of furnishing proof shall be established by agreement between the German authorities and the authorities of the sending State concerned.

4. The special arrangements provided in paragraph 11 of Article XI of the NATO Status of Forces Agreement for fuel, oil and lubricants shall be made in conformity with sub-paragraph (b) of paragraph 1 of Article 65 of the present Agreement and with paragraph 3 of this Article.

#### Article 68

1. Members of a force or of a civilian component and dependents shall not be deprived of any tax benefits which they enjoy by virtue of any international agreement with the Federal Republic.

2. The insurance tax (*Versicherungsteuer*) is to be paid in those cases where the insurance premium is paid to an inland insurer or an authorized inland representative of a foreign insurer but not where the premium is paid directly to a foreign insurer. With respect to insurance for private motor vehicles of members of a force or of a civilian component or of dependents, payment of the insurance tax is also not required where in individual cases the insurance premium, which is payable directly to the foreign insurer, is exceptionally paid to the authorized inland representative of such foreign insurer.

3. The fact that no residence is established in the Federal territory in accordance with paragraph 1 of Article X of the NATO Status of Forces Agreement shall not mean that members of a force or of a civilian component and dependents are to be regarded as foreign purchasers within the meaning of the turnover tax legislation.

4. Dependents shall be treated for the purposes of Article X of the NATO Status of Forces Agreement in the same manner as members of a force or of a civilian component.

*Article 69*

1. The rights of the authorities of a force or of a civilian component, of the members of a force or of a civilian component, or of dependents to import, export and possess the currency of the Federal Republic and instruments denominated in such currency in accordance with the regulations referred to in Article XIV of the NATO Status of Forces Agreement shall remain unaffected by the provisions of paragraphs 2, 3 and 4 of this Article.

2. The authorities of a force or of a civilian component shall have the right to import, export and possess currency, other than that of the Federal Republic, instruments denominated in any such currency and military scrip denominated in the currency of any sending State.

3. The authorities of a force or of a civilian component may distribute to the members of the force and of the civilian component and to dependents

- (a) currency of, and instruments denominated in the currency of,
  - (i) the Federal Republic,
  - (ii) the sending State,
  - (iii) any other State, to the extent required for the purpose of authorized travel, including travel on leave ;
- (b) military scrip denominated in the currency of any sending State ;

provided, however, that a system of payment to members of the force or of the civilian component or to dependents, in the currency of the sending State, shall be adopted by the authorities of the force only in co-operation with the authorities of the Federal Republic.

4. Subject only to the regulations which shall be made by the authorities of a force and notified to the authorities of the Federal Republic, a member of the force or of the civilian component and a dependent may

- (a) import currency of the sending State, instruments denominated in such currency, and military scrip denominated in the currency of any sending State ;
- (b) export
  - (i) any currency other than that of the Federal Republic, and instruments denominated in any such currency, provided that such member or dependent has either imported such currency or instruments or received

such currency or instruments from the authorities of the force or their authorized agents ;

(ii) cheques drawn by such member or dependent on a financial institution or agency in the sending State ;

(iii) military scrip denominated in the currency of any sending State.

5. The authorities of a force shall, in co-operation with the authorities of the Federal Republic, take appropriate measures in order to prevent any abuse of the rights given under paragraphs 2, 3 and 4 of this Article and to safeguard the system of foreign exchange regulations of the Federal Republic insofar as such system, subject to the provisions of paragraphs 2, 3 and 4 of this Article relates to a force, a civilian component, their members and dependents.

#### *Article 70*

In accordance with special agreements to be concluded, a force and a civilian component shall be granted interest on Deutsche Mark funds acquired with the currency of the sending State and held on daily call in accounts with the German Federal Bank (Deutsche Bundesbank).

#### *Article 71*

1. The non-German non-commercial organizations listed in paragraph 2 of the Section in the Protocol of Signature referring to this Article shall be considered to be, and treated as, integral parts of the force.

2. (a) The non-German non-commercial organizations listed in paragraph 3 of the Section in the Protocol of Signature referring to this Article shall enjoy the benefits and exemptions accorded to the force by the NATO Status of Forces Agreement and the present Agreement to the extent necessary for the fulfilment of the purposes described in paragraph 3 of that Section. However, benefits and exemptions in respect of imports for, deliveries to, or services for these organizations shall be granted only if such imports, deliveries or services are effected through the authorities of the force or of the civilian component or through official procurement agencies designated by these authorities.

(b) The organizations referred to in sub-paragraph (a) of this paragraph shall not have the powers enjoyed by the authorities of a force or of a civilian component under the NATO Status of Forces Agreement and the present Agreement.

3. In respect of their activities as non-commercial organizations, the organizations listed in paragraphs 2 and 3 of the Section in the Protocol of Signature referring

to this Article shall be exempt from the German regulations, if otherwise applicable, governing the conduct of trade and business activities (*Handel und Gewerbe*). Such of these regulations as relate to safety measures shall, subject to Article 53 of the present Agreement, nevertheless apply.

4. Other non-German non-commercial organizations may, in specific cases, be accorded, by means of administrative agreements, the same treatment as the organizations listed in paragraph 2 or 3 of the Section in the Protocol of Signature referring to this Article, if they

- (a) are necessary to meet the military requirements of a force and
- (b) operate under the general direction and supervision of the force.

5. (a) Subject to the provisions of paragraph 6 of this Article, employees exclusively serving organizations listed in paragraph 2 or 3 of the Section in the Protocol of Signature referring to this Article shall be considered to be, and treated as, members of a civilian component. They shall be exempt from taxation in the Federal territory on the salaries and emoluments paid to them by the organizations if such salaries and emoluments are either

- (i) liable to assessment for taxation in the sending State or
- (ii) computed on the assumption that no liability to pay tax will arise.

(b) Sub-paragraph (a) of this paragraph shall also apply to employees of organizations which, in accordance with paragraph 4 of this Article, are accorded the same treatment as the organizations listed in paragraph 2 or 3 of the Section in the Protocol of Signature referring to this Article.

6. The provisions of paragraph 5 of this Article shall not apply to

- (a) stateless persons ;
- (b) nationals of any State which is not a Party to the North Atlantic Treaty ;
- (c) Germans ;
- (d) persons ordinarily resident in the Federal territory.

## Article 72

1. The non-German commercial enterprises listed in paragraph 1 of the Section in the Protocol of Signature referring to this Article shall enjoy

- (a) the exemptions accorded to a force by the NATO Status of Forces Agreement and the present Agreement from customs, taxes, import and reexport restrictions and foreign exchange control to the extent necessary for the fulfilment of their purposes ;

- (b) exemptions from German regulations governing the conduct of trade and business activities (*Handel und Gewerbe*) ;
- (c) such benefits as may be determined by administrative agreement.

2. Paragraph 1 of this Article shall apply only if

- (a) the enterprise exclusively serves the force, the civilian component, their members or dependents ; and
- (b) the activities of the enterprise are restricted to business transactions which cannot be undertaken by German enterprises without prejudice to the military requirements of the force.

3. Where the activities of an enterprise include business not conforming to the conditions set forth in paragraph 2 of this Article, the granting of exemptions and benefits provided in paragraph 1 shall be conditional upon a clear legal or administrative separation between those activities which are performed exclusively for the force and those which are not.

4. By agreement with the German authorities and on the conditions set forth in paragraphs 2 and 3 of this Article, other non-German commercial enterprises may be granted all or part of the exemptions and benefits referred to in paragraph 1.

5. (a) Employees of enterprises enjoying exemptions and benefits pursuant to this Article shall, if they exclusively serve such enterprises, be granted the same exemptions and benefits as those granted to members of a civilian component unless such exemptions and benefits are restricted by the sending State.

(b) Sub-paragraph (a) of this paragraph shall not apply to

- (i) stateless persons ;
- (ii) nationals of any State which is not a Party to the North Atlantic Treaty ;
- (iii) Germans ;
- (iv) persons ordinarily resident in the Federal territory.

6. If the authorities of a force withdraw all or part of the exemptions and benefits accorded to these enterprises or to their employees pursuant to this Article, they shall so notify the German authorities.

### Article 73

Technical experts whose services are required by a force and who in the Federal territory exclusively serve that force either in an advisory capacity in technical matters or for the setting up, operation or maintenance of equipment shall be considered to be, and treated as, members of the civilian component. This provision, however, shall not apply to



- (a) stateless persons ;
- (b) nationals of any State which is not a Party to the North Atlantic Treaty ;
- (c) Germans ;
- (d) persons ordinarily resident in the Federal territory.

#### Article 74

1. Articles XII and XIII of the NATO Status of Forces Agreement shall apply equally to the provisions relating to the fields of customs and taxes contained in the present Agreement.

2. The authorities of a force and of a civilian component shall take all appropriate measures to prevent abuses which might result from the granting of benefits and exemptions in the fields of customs and taxes. They shall co-operate closely with the German authorities in the prevention of customs and tax offences.

3. The detailed application of the provisions of paragraphs 1 and 2 of this Article, including the conditions to be observed pursuant to paragraph 1 of Article XII of the NATO Status of Forces Agreement, shall be regulated by administrative agreements with the German authorities. Such administrative agreements shall in particular take into account the following points :

- (a) The authorities of a force and of a civilian component shall, in agreement with the German authorities, ensure that certain goods are placed at the disposal of members of the force, of the civilian component or dependents only in reasonable quantities.
- (b) Co-operation between the authorities of a force or of a civilian component and the German authorities shall include the exchange of relevant information concerning the selling agencies of the force and the organizations and enterprises serving the force, and shall also include, to the extent necessary, appropriate inspections therein.

4. Except to the extent precluded by military necessity, the authorities of a force or of a civilian component shall, at the request of the German authorities, provide the latter with such information as they may be reasonably expected to furnish and which is necessary to determine the tax liability of persons or enterprises which are subject to taxation in the Federal territory. The German authorities shall request such information of the authorities of a force or of a civilian component only if the data necessary for assessment cannot be obtained otherwise, for instance, from official certificates (*Abwicklungsscheine*) concerning the procurement of goods and services subject to tax relief if such certificates have been furnished to the German financial authorities, or from information which can be supplied to those authorities by other German authorities. The German authorities shall take measures to prevent the disclosure of the information to unauthorized third parties.

*Article 75*

1. (a) Except in a case where the accused is a German, neither Article 19 of the present Agreement nor paragraphs 1, 2 and 3 of Article VII of the NATO Status of Forces Agreement shall apply to an offence alleged to have been committed by a member of the forces prior to the entry into force of the present Agreement where before that date

- (i) proceedings in respect of such offence have been initiated or terminated by an authority of a force exercising judicial powers, or
- (ii) the prosecution of the offence became barred, under the law of the sending State concerned, by the expiry of a prescribed period of time.

(b) Where proceedings are pending at the date of entry into force of the present Agreement, the provisions of the Forces Convention concerning the exercise of jurisdiction over offences committed by such members shall continue to have effect for those proceedings, as if that Convention were still in force, until the conclusion of the proceedings, provided notification of the cases so pending shall be made to the German authorities within a period of ten days after that date.

2. In imposing a penalty in respect of an offence committed prior to the entry into force of the present Agreement, the German court or authority shall give due consideration to the penalty prescribed by the law of the sending State to which the accused was subject at the time of the commission of the offence, if it appears that such penalty is lighter than that prescribed by German law.

*Article 76*

Defensive works, the execution of which has been agreed with the Federal Republic prior to the entry into force of the present Agreement or on which work has commenced prior to that date, shall be completed as planned.

*Article 77*

The Standing Commission provided for in paragraph 8 of Article 17 of the Forces Convention shall, in the interests of common defence and air safety, for the time being continue its functions in the field of co-ordination of civil and military aviation. When the German Commission referred to in paragraph 7 of Article 57 of the present Agreement, together with any additional organization required to ensure effective co-ordination between civil aviation and all military air forces in the Federal Republic, has been set up by the German authorities and is in a position to satisfy the requirements of the forces in this field, the Standing Commission shall be dissolved after adequate prior consultation between the German authorities and the authorities of the forces concerned.

*Article 78*

1. The Mixed Commission established under paragraph 8 of Article 44 of the Forces Convention shall continue to be the competent body to determine whether a dismissal on security grounds was justified, provided that a request made under that provision was received by the Commission prior to the entry into force of the present Agreement.

2. Decisions reached by the Mixed Commission shall continue to be binding on German Labour Courts after the entry into force of the present Agreement.

*Article 79*

1. The tax relief provided in paragraph 1 and sub-paragraphs (a), (c) and (d) of paragraph 2 of Article 33 of the Forces Convention, and in Article 3 of the Agreement on the Tax Treatment of the Forces and their Members, as amended by Schedule V to the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed at Paris on 23 October 1954, shall continue to be granted in respect of goods and services for which payment is made in Deutsche Mark, after the entry into force of the present Agreement, from the carry-over of occupation costs and mandatory expenditures funds or from the carry-over of support costs funds agreed upon for the period up to 5 May 1957.

2. Paragraph 1 of this Article shall apply also to goods and services ordered before the entry into force of the present Agreement and for which payment is made in Deutsche Mark from funds made available to a force by the Federal Republic as mutual defence aid before that date.

*Article 80*

The provisions of Article XV of the NATO Status of Forces Agreement shall apply to the present Agreement, it being understood that references in that Article to other provisions of the NATO Status of Forces Agreement shall be deemed to be references to those provisions as supplemented by the present Agreement.

*Article 81*

1. Subject to the provisions of paragraph 2 of this Article, the present Agreement shall remain in force while forces are stationed in the Federal Republic in accordance with the terms of the Convention on the Presence of Foreign Forces in the Federal Republic of Germany of 23 October 1954<sup>1</sup> or any arrangement which may replace it.

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<sup>1</sup> United Nations, *Treaty Series*, Vol. 334, p. 3.

2. The present Agreement shall lapse
  - (a) if the Federal Republic denounces the NATO Status of Forces Agreement, when its denunciation takes effect pursuant to Article XIX of that Agreement ;
  - (b) between the Federal Republic and any sending State that denounces the NATO Status of Forces Agreement when such denunciation takes effect.

#### *Article 82*

The present Agreement shall be reviewed

- (a) when the Convention on the Presence of Foreign Forces in the Federal Republic of Germany of 23 October 1954 is reviewed in accordance with paragraph 2 of Article 3 of that Convention ;
- (b) upon the request of one of the Contracting Parties on the expiry of a period of three years subsequent to its entry into force ;
- (c)
  - (i) in respect of one or more provisions when provisions of the NATO Status of Forces Agreement to which they are directly related are reviewed under Article XVII of that Agreement ;
  - (ii) at any time at the request of one of the Contracting Parties in respect of one or more provisions if their continued application would in the view of the Party making the request be especially burdensome to that Party, or if such application could not reasonably be expected of that Party ; in such case negotiations shall be opened within a period not to exceed three months after submission of the request ; if, after three months of negotiations, agreement has not been reached, any Contracting Party may apply to the Secretary-General of the North Atlantic Treaty Organization in accordance with the resolution of the North Atlantic Council of 13 December 1956, requesting him to use his good offices and to initiate one of the procedures named in that resolution ; the Contracting Parties shall pay full heed to any recommendations deriving from such procedure ;
  - (iii) at any time at the request of one of the Contracting Parties in respect of one or more provisions of a purely technical or administrative character.

#### *Article 83*

1. The present Agreement shall be ratified or approved. The instruments of ratification or approval shall be deposited by the signatory States with the Govern-

ment of the United States of America which shall notify each signatory State of the date on which the instruments are deposited.

2. The present Agreement shall enter into force, thirty days after the date on which the Federal Republic has deposited with the Government of the United States of America, in accordance with the conditions specified in the Resolution of the North Atlantic Council of 5 October 1955, its instrument of accession to the NATO Status of Forces Agreement.

3. The present Agreement shall be deposited in the Archives of the Government of the United States of America, which shall transmit certified copies thereof to each signatory State.

IN WITNESS WHEREOF the undersigned Representatives duly authorized thereto have signed the present Agreement.

DONE at Bonn, this third day of August 1959, in the German, English and French languages, all texts being equally authentic.

Für das Königreich Belgien :  
For the Kingdom of Belgium :  
Pour le Royaume de Belgique :

Baron DE GRUBEN

Für Kanada :  
For Canada :  
Pour le Canada :

Escott REID

Für die Französische Republik :  
For the French Republic :  
Pour la République Française :

François Seydoux

Für die Bundesrepublik Deutschland :  
For the Federal Republic of Germany :  
Pour la République Fédérale d'Allemagne :

A. H. VAN SCHERPENBERG

Für das Königreich der Niederlande :  
For the Kingdom of the Netherlands :  
Pour le Royaume des Pays-Bas :

H. VAN VREDENBURCH

Für das Vereinigte Königreich von Großbritannien und Nordirland :  
For the United Kingdom of Great Britain and Northern Ireland :  
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

Christopher STEEL

Für die Vereinigten Staaten von Amerika :  
For the United States of America :  
Pour les États-Unis d'Amérique :

David BRUCE

PROTOCOL OF SIGNATURE TO THE SUPPLEMENTARY AGREEMENT<sup>1</sup>

Upon the signature of the Agreement to supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany (hereinafter referred to as the "Supplementary Agreement")<sup>1</sup> the undersigned Representatives of

The Kingdom of Belgium,

Canada,

The French Republic,

The Federal Republic of Germany,

The Kingdom of the Netherlands,

The United Kingdom of Great Britain and Northern Ireland, and

The United States of America,

acknowledge that the following Minutes and Declarations have been agreed :

## PART I

AGREED MINUTES AND DECLARATIONS CONCERNING THE NATO STATUS OF FORCES  
AGREEMENT

*Re Article I, paragraph 1, sub-paragraph (a)*

1. In view of the definition of a "force", the Federal Republic regards the NATO Status of Forces Agreement<sup>2</sup> and the Supplementary Agreement as being applicable also to such forces of a sending State as are temporarily in the Federal territory in accordance with paragraph 3 of Article 1 of the Convention on the Presence of Foreign Forces in the Federal Republic of Germany of 23 October 1954.<sup>3</sup>

2. Service attachés of a sending State in the Federal Republic, the members of their staffs and any other service personnel enjoying diplomatic or other special status in the Federal Republic shall not be regarded as constituting or included in a "force" for the purpose of the NATO Status of Forces Agreement and the Supplementary Agreement.

<sup>1</sup> See p. 330 of this volume.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 199, p. 67 ; Vol. 200, p. 340 ; Vol. 260, p. 452 ; Vol. 286, p. 380, and p. 588 of this volume.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 334, p. 3.

3. Except in cases of military exigency, the Governments of the sending States will make every effort not to station in the territory of the Federal Republic as members of a force persons who are solely Germans.

4. (a) The following non-appropriated fund organizations and activities are integral parts of the United States force :

- (i) European Exchange System (EES)
- (ii) Air Forces Europe Exchange (AFEX)
- (iii) USAREUR Class VI Agency
- (iv) USAFE Class VI Agency
- (v) European Motion Picture Service
- (vi) USAFE Motion Picture Service
- (vii) USAREUR Special Services Fund
- (viii) USAREUR Special Services Reimbursable Fund
- (ix) American Forces Network
- (x) Dependent Education Group (including Dependent Schools)
- (xi) Armed Forces Recreation Center Fund
- (xii) Association of American Rod and Gun Clubs in Europe
- (xiii) Stars and Stripes
- (xiv) Other non-appropriated fund organizations, including authorized clubs and messes

(b) The organizations referred to under item (xiv) of sub-paragraph (a) of this paragraph shall conduct tax- and duty-free procurement through officially designated procurement agencies of the force in accordance with agreed procedures.

(c) The list of organizations and special funds under sub-paragraph (a) of this paragraph is subject to amendment as organizational changes require.

5. Members of the Armed Forces of a sending State stationed in Berlin, of their civilian components and dependents shall be considered to be, and treated as, members of the force, of the civilian component or dependents while on leave in the Federal territory.

*Re Article V, paragraph 1, second sentence*

1. The authorities of a sending State may authorize the members of the force to wear civilian clothes in accordance with the regulations of the sending State.

2. Paragraph 1 of this Section shall also apply to French detachments in which individual members of the force are regrouped and officered (recruits proceeding to their assigned units in the Federal Republic or returning home after discharge), if the French regulations allow such personnel to cross the border in civilian clothes.



*Re Article VII*

1. The Federal Republic regards offences dealt with under administrative penal procedure (*Verwaltungsstrafverfahren*) and offences subject to a fine only (*Ordnungswidrigkeiten*) as offences punishable by the law of the receiving State within the meaning of Article VII and the provisions of the Supplementary Agreement directly relating thereto.

2. (a) In view of sub-paragraph (b) of paragraph 1 of Article VII, the Federal Republic does not consider it to be within its competence to decide on requests for extradition of members of a force, of a civilian component or dependents.

(b) The sending States will not act upon requests for extradition of Germans who are present in the Federal territory as members of a force or as dependents.

*Re Article IX, paragraph 6*

The Federal Republic is prepared to give the most favourable consideration to requests for the grant to dependents of travelling facilities and concessions with regard to fares. Such consideration will be exercised only within the framework of existing tariffs and where comparable circumstances exist.

*Re Article XIX*

The Federal Government recognizes that it would be undesirable for the status of the forces to remain unsettled. It will therefore exercise the right of denunciation to which it is entitled under Article XIX only for urgent reasons and only after consultation with the Governments of the sending States. The Federal Government is prepared in the event of denunciation to enter into negotiations with the Governments of the sending States without delay for the conclusion of adequate alternative arrangements. Pending the conclusion of such arrangements it would assure to the forces a position not prejudicial to the stability of their essential stationing conditions.

## PART II

## AGREED MINUTES AND DECLARATIONS CONCERNING THE SUPPLEMENTARY AGREEMENT

*Re Article 1*

In the event of the Supplementary Agreement entering into force before the expiry of the transitional period provided for in paragraph 2 of Article 1 and in Article 3 of the Treaty between the French Republic and the Federal Republic of Germany on the Settlement of the Saar Question, dated 27 October 1956, the provisions of the Supplementary Agreement affecting matters which pursuant to Chapter II

of that Treaty are not subject to German jurisdiction shall not be applicable in the Saar before the expiry of that period.

*Re Article 2*

The authorities of the forces shall limit as far as possible the number of close relatives, within the meaning of sub-paragraph (a) of paragraph 2 of Article 2, to be admitted to the Federal territory.

*Re Article 4*

In the application of Article 4 the German authorities shall deal only with the authorities of that sending State which exercises the rights and fulfils the obligations concerned.

*Re Article 5*

The provisions of sub-paragraph (a) of paragraph 1 of Article 5 shall not apply to entry into, or exit from, the Federal territory.

*Re Article 7*

In the application of the German regulations on compulsory military service, periods of time spent in the Federal territory as a member of a force, of a civilian component or as a dependent shall be disregarded.

*Re Article 8*

1. Expulsion may be carried out only in accordance with the provisions of the German legislation on police control of aliens (*Ausländerpolizeirecht*).

2. The extent to which provisions of the German Police Ordinance on Aliens (*Ausländerpolizeiverordnung*) of 22 August 1938, at present in force, have become obsolete, is indicated by the following explanations :

(a) The following terms shall, where they occur in the text of the Ordinance, be replaced as follows :

- (i) "Reich territory" by "Federal territory" ;
- (ii) "Reich" by "Federation" ;
- (iii) "Reich frontier" by "Federal frontier" ;
- (iv) "District Police Administration" (*Kreispolizeiverwaltung*) by the appropriate "City or District Administrations" (*Stadt-, Kreisverwaltungen*) established by Land laws insofar as they have taken over the functions of the District Police Administration ;
- (v) "Reichsmark" by "Deutsche Mark" ;
- (vi) "Reich Minister of the Interior" by "Federal Minister of the Interior".

(b) Re Section 5, paragraph 1, sub-paragraph (a) :

The term "people's community" (*Volksgemeinschaft*) is deemed to have been deleted by virtue of Article II of Control Council Law No. 1, which reads as follows :

"No German enactment, however or whenever enacted, shall be applied judicially or administratively in any instance where such application would cause injustice or inequality, either

- a) by favouring any person because of his connection with the National Socialist German Labour Party, its formations, affiliated associations, or supervised organizations, or
- b) by discriminating against any person by reason of his race, nationality, religious beliefs, or opposition to the National Socialist German Labour Party or its doctrines."

(c) Re Section 5, paragraph 1, sub-paragraph (c) :

The legal basis for carrying out castration (Section 42a, item 5, and Section 42k of the Criminal Code) has been eliminated by Article I of Control Council Law No. 11. Moreover, castration is not permissible under the first sentence of paragraph 2 of Article 2 of the Basic Law, which reads as follows : "Everyone has the right to life and to inviolability of his person."

(d) Re Section 5, paragraph 1, sub-paragraph (g) :

The term "race" is deemed to have been deleted by virtue of Article II of Control Council Law No. 1 (see sub-paragraph (b)) and of paragraph 3 of Article 3 of the Basic Law, which reads as follows :

"No one may be prejudiced or favoured because of his sex, his parentage, his race, his language, his homeland and origin, his faith or his religious and political opinions."

(e) Re Section 5, paragraph 1, sub-paragraph (h) :

The term "gipsy" is deemed to have been deleted by virtue of Article II of Control Council Law No. 1 (see sub-paragraph (b)) and by paragraph 3 of Article 3 of the Basic Law (see sub-paragraph (d)).

(f) Re Section 7, paragraph 1, sub-paragraph (c) :

Under the second sentence of paragraph 2 of Article 16 of the Basic Law, persons persecuted for political reasons shall enjoy the right of asylum. Such right is not affected by paragraph 1 of Section 7 of the Police Ordinance on Aliens. The same applies to foreign refugees within the meaning of the Agreement on the Legal Status of Refugees of 28 July 1951 (*Bundesgesetzblatt 1953 Teil II*, page 559).

(g) Re Section 7, paragraph 4 and paragraph 5, sentence 2 :

Both German nationals and aliens may be detained only if the following provisions of paragraphs 2 and 4 of Article 104 of the Basic Law are observed :

"2. Only judges may decide on the admissibility or extension of a deprivation of liberty. Where such deprivation is not based on the order of a judge, a judicial decision must be obtained without delay. The police may hold no one on their own authority in their own custody longer than the end of the day after the arrest. Details shall be regulated by legislation.

4. A relative of the person detained or a person enjoying his confidence must be notified without delay of any judicial decision ordering or extending a deprivation of liberty."

(h) Re Section 7, paragraph 5 :

The comments in sub-paragraphs (f) and (g) apply.

(i) Re Section 9, paragraphs 2 and 4 :

Detention prior to expulsion likewise is permissible only in accordance with paragraphs 2 and 4 of Article 104 of the Basic Law (see sub-paragraph (g)).

(j) Re Section 11, paragraph 1, last sentence, paragraph 2, last sentence, and paragraphs 5 and 6 :

These provisions are deemed to have been deleted or to have become inapplicable by virtue of paragraph 4 of Article 19 of the Basic Law, which reads as follows :

"Should any person's right be violated by public authority, recourse to the court shall be open to him. If no other court has jurisdiction, recourse shall be to the ordinary courts."

Identical provisions are contained in the administrative court laws of the *Länder* (e.g., for the *Länder* of the former British Zone of Occupation, Ordinance No. 165 of British Military Government on Jurisdiction of Administrative Courts in the British Zone—*Verordnungsblatt, British Zone 1948*, page 263).

(k) Re Section 11, paragraph 4 :

The effect of this provision has been limited insofar as, pursuant to paragraph 4 of Article 19 of the Basic Law (see sub-paragraph (j)), recourse may be had to the administrative court against denial of the staying effect of a complaint.

(l) Re Section 14 :

The provision has become obsolete by the lapse of time.

(m) Re Section 15, paragraph 1 :

In connection with this provision, note should be taken of paragraph 1 of Article 116 of the Basic Law, which provides as follows :

“Unless otherwise provided by law, a German within the meaning of this Basic Law is a person who possesses German nationality or who has been received in the territory of the German Reich, as it existed on 31 December 1937, as a refugee or expellee of German stock (*Volkszugehörigkeit*) or as the spouse or descendant of such person.”

(n) Re Section 17, paragraph 2 :

The authority to issue ordinances having the force of law or general administrative regulations has become extinct by virtue of paragraph 3 of Article 129 of the Basic Law.

3. The provisions of German law concerning expulsion, and in particular paragraph 1 of Section 5 of the Police Ordinance on Aliens shall apply only where the reasons for expulsion mentioned therein are not incompatible with the provisions of the NATO Status of Forces Agreement and of the Supplementary Agreement.

*Re Article 12*

The expression “German law on self-defence (*Notwehr*)” in paragraph 2 of Article 12 should be construed in accordance with the following German interpretation of Section 53 of the German Criminal Code :

(a) Section 53 of the German Criminal Code reads as follows :

“No act is punishable if demanded in self-defence.

Self-defence is such defence as is necessary to avert an imminent unlawful attack upon oneself or another.

An act in excess of necessary self-defence is not punishable if the perpetrator exceeded the bounds of defence in consternation, fear or alarm.”

(b) In construing Section 53 of the German Criminal Code, legal practice has long followed some well-established principles which may be summarised as follows :

(i) Attack means any act which is aimed at violating the legally protected rights or interests of another person.

(ii) The nature of the protected rights or interests which are threatened by the attack is not material. The objects of an attack include not only life and limb but all legally protected interests, such as liberty, morality, honour, property, possession, or hunting rights.

- (iii) The protected interest to be defended need not belong to the person defending it ; it may belong to some other person. In the latter case self-defence is termed defence in aid of a third person (*Nothilfe*).
- (iv) An attack which the attacked person is under no obligation to suffer shall be deemed to be an unlawful attack. Thus self-defence is permissible not only against a person guilty of an unlawful act but also against an incompetent, an insane person, a child, or one acting in unavoidable error.
- (v) An attack shall be deemed an "imminent" attack if it is immediately impending, or is in progress, or is continuing ; an attack threatened in the future or which has been completed is not considered an imminent attack. Whether or not an attack is imminent is determined by the objective facts and not by the subjective belief of the person acting in self-defence.
- (vi) An attack shall be deemed to be continuing and therefore imminent until the danger arising from it to the threatened legally protected interest either has completely passed or, conversely, until the attack has resulted in the irretrievable loss of such interest. For instance, if a thief escapes with a stolen article or a poacher with a head of game, self-defence is permissible during hot pursuit and so long as the object in question, insofar as the perpetrator is concerned, has not reached a place of safety.
- (vii) The act of self-defence must be necessary to avert an attack. The necessity shall be ascertained from case to case by applying objective standards. In principle, the extent of permissible defence is determined by the severity and persistence of the attack and by the means which are available to the person attacked for his defence.
- (viii) A legally protected interest of the attacker shall be deemed to have been infringed upon unnecessarily if the person threatened by the attack is able to evade the attack without abandoning his own interests.
- (ix) As a rule, it is not necessary that the value of the legally protected interests of the attacked person should be balanced against the loss which the attacker might sustain (principle of proportionality). But this principle is subject to limitations. The killing of a thief is not a required (necessary) act of defence if the articles which the attacked person risks losing are only of minor value (this principle is controversial).
- (x) It suffices that the act of self-defence is required in order to avert an attack against oneself or any other person. It is not necessary that

the attack is aimed at a relative within the meaning of paragraph 2 of Section 52 of the German Criminal Code.

- (xi) Only insofar as directed against the attacker shall an act of defence be deemed to be an act of self-defence to ward off an unlawful attack. Acts which violate legally protected interests of innocent bystanders cannot be justified on grounds of self-defence. Under certain circumstances the perpetrators of such acts may go unpunished on the ground that the acts were justified by necessity (*Notstand*).

### *Re Article 19*

1. The request for a waiver of the primary right of the Federal Republic to exercise criminal jurisdiction provided for in paragraph 1 of Article 19 shall be made at the time of the entry into force of the Supplementary Agreement by those of the sending States which have decided to make use of the waiver. The Federal Republic shall grant the waiver to these sending States when the Supplementary Agreement enters into force. If a sending State decides, after the entry into force of the Supplementary Agreement, to make use of the waiver, the State concerned shall not request such waiver until agreement has been reached with the Federal Government on the necessary transitional arrangements.

2. (a) Subject to a careful examination of each specific case and to the results of such examination, major interests of German administration of justice within the meaning of paragraph 3 of Article 19 may make imperative the exercise of German jurisdiction, in particular in the following cases :

- (i) offences within the competence of the Federal High Court of Justice (*Bundesgerichtshof*) in first and last instance or offences which may be prosecuted by the Chief Federal Prosecutor (*Generalbundesanwalt*) at the Federal High Court of Justice ;
- (ii) offences causing the death of a human being, robbery, rape, except where these offences are directed against a member of a force or of a civilian component or a dependent ;
- (iii) attempt to commit such offences or participation therein.

(b) In respect of the offences referred to in sub-paragraph (a) of this paragraph the authorities concerned shall proceed in particularly close co-operation from the beginning of the preliminary investigations in order to provide the mutual assistance envisaged in paragraph 6 of Article VII of the NATO Status of Forces Agreement.

### *Re Article 22*

The sending States shall retain the right to keep in custody the arrested person either in a detention institution of their own or with their force. In order to ensure smooth implementation of the obligations imposed by the second sentence of para-

graph 3 of Article 22, the authorities of the sending States shall keep the arrested person, where possible, in the vicinity of the seat of the German authority dealing with the case ; this, however, shall not constitute an obligation on their part to keep the arrested person outside the area of the force.

*Re Article 26, paragraph 1, sub-paragraph (b)*

The term "military exigency" may also apply to cases in which the offence was committed by a person temporarily present in the Federal territory for the purpose of training exercises or manœuvres.

*Re Article 31*

1. Articles 17 to 24 of the Hague Convention on Civil Procedure of 17 July 1905<sup>1</sup> shall in the relations between the Federal Republic and the French Republic, be considered to be an agreement within the meaning of Article 31, until such time as The Hague Convention on Civil Procedure of 1 March 1954<sup>2</sup> enters into force.

2. With respect to liability for breach of official duties, the following shall apply between the Federal Republic and the French Republic, as well as between the Federal Republic and the Kingdom of Belgium :

The liability of the State (Federation or *Land*) or of a corporation existing under public law for damage suffered by a member of the Belgian force or of the French force, of their civilian components or by dependents as a result of a breach of official duties by German public servants in the Federal Republic shall be governed by the provisions applying to German nationals (*Inländer*).

*Re Article 41*

1. Article 41 shall not be applicable to claims concerning damage arising under contracts or quasi-contractual relationships.

2. (a) (i) In the case of damage to public roads and of damage to property of the Federal Republic, except property of the German Federal Railways and of the German Federal Post, caused by manœuvres and other training exercises for which compensation would have been payable under Article 41, a force may, in lieu of paying such compensation, itself repair the damage.

<sup>1</sup> De Martens, *Nouveau Recueil général de Traitéts, troisième série, tome II*, p. 243 ; League of Nations, *Treaty Series*, Vol. L, p. 180 ; Vol. LIV, p. 434 ; Vol. XCII, p. 420, and Vol. C, p. 265 ; and United Nations, *Treaty Series*, Vol. 216, p. 432, and Vol. 293, p. 388.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 286, p. 265.



(ii) If a force wishes itself to repair damage to public roads, it will consult the competent German authorities and will refrain from itself carrying out the repair if the German authorities object for cogent technical building or traffic police control reasons. In these cases and in other cases of damages referred to in item (i) of this sub-paragraph contact shall not be necessary in individual cases if previously there has been an understanding on carrying out of repairs by the force on a general basis.

(b) Nothing shall preclude a force itself making good the damage, in agreement with the person having suffered it, in cases other than those referred to in sub-paragraph (a) of this paragraph.

(c) In the cases referred to in sub-paragraphs (a) and (b) of this paragraph, nothing shall preclude the person suffering the damage asserting any possible claim to which he may be entitled if in his opinion the damage has not been repaired either fully or properly.

3. In order to permit speedy settlement of compensation proceedings, a reasonable period of time should be provided within which to file compensation claims under Article VIII of the NATO Status of Forces Agreement in conjunction with Article 41. To this end, the Federal Republic shall enact suitable legislation.

4. The waiver given by the Federal Republic in sub-paragraph (a) of paragraph 3 of Article 41 shall not apply to damage arising from non-fulfilment of the accepted responsibility for repair and maintenance. To the extent that the agreements (*Überlassungsvereinbarungen*) do not contain provisions for the settlement of such damage claims, the procedure for settling them shall be laid down in administrative agreements.

5. Insofar as property of juristic persons whose shares are in the hands of the Federation is made available free of charge to a force or a civilian component for exclusive use, the Federal Republic shall relieve the sending State of liability in respect of damages to this property to the same extent as the Federal Republic has waived, in accordance with sub-paragraph (a) of paragraph 3 of Article 41, compensation for damage to property which it owns.

6. (a) If in the cases referred to in the last sentence of sub-paragraph (a) of paragraph 3 and the last sentence of paragraph 5 of Article 41, there is a difference of opinion between the competent German authorities and the authorities of a force as to whether or not damage was caused wilfully or by gross negligence, the authorities on both sides shall enter into negotiations.

(b) If a difference of opinion remains that cannot be resolved in further discussions between the parties at higher level, the arbitrator referred to in sub-paragraph (a) of paragraph 2 of Article VIII of the NATO Status of Forces Agreement shall decide.

7. In respect of property owned by a *Land* and made available for use by a force (paragraph 4 of Article 41), the authorities of the force and the German authorities shall determine jointly the condition of such property as at the date of the entry into force of the Supplementary Agreement. A similar determination shall be made at the time of the release of such property. Claims for damages or loss, if any, shall be settled on the basis of the condition of the property on these dates.

8. The American Red Cross and the University of Maryland shall not be deemed to be, nor be treated as, integral parts of the force for the purpose of paragraph 7 of Article 41 and in respect of the settlement of damage claims shall not be exempt from German jurisdiction.

9. The administrative agreements referred to in paragraph 13 of Article 41 may also contain arrangements which differ from the procedural arrangements contained in Article VIII of the NATO Status of Forces Agreement.

#### *Re Article 47*

The following language will be included in the administrative agreements envisaged in sub-paragraph (g) of paragraph 5 of Article 47 :

“In order to permit the German authorities to comply with the provisions of German budgetary law, it shall be certified in the written consent referred to in sub-paragraph (c) of paragraph 5 of Article 47 of the Supplementary Agreement that the necessary budgetary funds are available.”

#### *Re Article 48*

1. (a) Where in implementation of the third sentence of sub-paragraph (c) of paragraph 1 of Article 48 utilization contracts (*Nutzungsverträge*), toleration contracts (*Duldungsverträge*) or similar contracts are concluded, the German authorities shall agree upon the amount of compensation payable in consultation with the authorities of the force or the civilian component, except insofar as such compensation is to be borne by the Federal Republic under the provisions of sub-paragraph (a) of paragraph 5 of Article 63. The same shall apply where a unit of accommodation is requisitioned under the Land Procurement Law, to agreements regarding the amount of compensation payable in respect of anticipatory possession (*Besitzinweisungsentschädigung*) or any other compensation. The provisions of Article 63 shall remain unaffected.

(b) The procedure envisaged in sub-paragraph (a) of paragraph 1 shall be applied *mutatis mutandis* when under the Restricted Areas Law or the Air Traffic Law utilization contracts, toleration contracts or similar contracts are concluded in the interests of a force, or when agreements are concluded on the amount of compensation payable in respect of restricted areas (*Schutzbereichentschädigungen*).

2. With respect to paragraph 2 of Article 48 and without prejudice to the arrangements set forth in sub-paragraphs (a) and (b) of paragraph 5 of that Article, the authorities of a sending State shall in special cases, at the request of the Federal Government, enter into negotiations for the release or exchange of accommodation which was in the possession of a force or a civilian component at noon on 5 May 1955, in order to take into account essential German civilian interests and in particular the exigencies of town and country planning (*Raumordnung und Städtebau*), nature preservation, and farming and economic interests. The authorities of the sending State shall in this give sympathetic consideration to requests by the Federal Government.

3. With respect to paragraph 2 and sub-paragraph (c) of paragraph 5 of Article 48, the following shall apply : In order to avoid difficulties in cases in which, in respect of accommodation made available to a force or to a civilian component for use, the legal relationship with the owner or other entitled person ends, and in order to facilitate the implementation by the Federal Republic of the undertaking set forth in the first sentence of paragraph 2 of Article 48, the German authorities and the authorities of the force shall maintain constant and close contact with each other. The authorities of the force shall inform the German authorities as early as possible if in such a case there is a continuing accommodation requirement beyond the date on which the legal relationship ends. In order that the authorities of the force will be able so to state, the German authorities shall as early as possible, and to the extent necessary, inform the authorities of the force that the legal relationship with the owner or other entitled person will lapse, and when ; this shall apply especially in cases where the legal relationship ends otherwise than by expiration of a lease or rent contract.

4. The details with regard to the use of accommodation referred to in the first sentence of sub-paragraph (a) of paragraph 3 of Article 48 shall be taken to mean, in particular, duration of availability, utilization, responsibility for repairs, maintenance, and traffic safety measures, as well as any financial arrangements which may be necessary within the framework of the NATO Status of Forces Agreement and the Supplementary Agreement.

5. (a) In the agreements required under sub-paragraph (b) of paragraph 3 of Article 48 the data on the equipment of the accommodation legally owned by the Federation or a *Land* (*rechtlich im Eigentum des Bundes oder eines Landes stehend*)—except accommodation of the German Federal Railways or German Federal Post—shall cover only those objects, the removal of which under Article 50 requires the consent of, or prior notification to, the German authorities. The state of preservation of accommodation shall, at the request of the authorities of the force concerned, be expressed in general terms, such as “good”, “moderate”, or “bad”.

(b) Further procedural and technical details shall, to the extent necessary, be governed by administrative agreement.

6. The obligation under paragraph 4 of Article 48 to carry out repair and maintenance shall not include the reconstruction of a building wholly or largely destroyed by act of God.

7. The negotiations which in application of sub-paragraph (a) of paragraph 5 of Article 48 take place between the authorities of a force and the German authorities concerning the question of whether alternative accommodation offered by the Federal Republic satisfies the requirements of the force or the civilian component, shall extend, as far as necessary, to financial questions arising in this connection.

#### *Re Article 50*

1. Nothing in Article 50 shall be construed to mean that the removal from one unit of accommodation to another of fixtures, fittings and furnishings which are not owned by the Federation is admissible without the owner's consent.

2. In cases where the building records are no longer available, the authorities of the force or of the civilian component and the German authorities shall jointly determine, in accordance with criteria applicable to buildings of the same type, which articles fall within the purview of sub-paragraph (a) of Article 50.

#### *Re Article 51*

1. If it is uneconomical to return an article to the Federal territory, for instance if transportation costs exceed its value, agreement to the sale of such article abroad shall be given by the German authorities.

2. The removal from the Federal territory to Berlin (West) of movable property procured from occupation costs, mandatory expenditures or support costs funds for use by the Armed Forces of the sending State shall not be regarded as removal from the Federal territory within the meaning of Article 51. Property removed to Berlin (West) shall be subject to the provisions of paragraphs 1 and 2 thereof. Its further removal elsewhere, except its return to the Federal territory, shall be subject to the provisions of paragraphs 3 and 4 thereof.

3. Notwithstanding the special status enjoyed by the Saarland during the transitional period provided for in paragraph 2 of Article 1 and in Article 3 of the Treaty between the French Republic and the Federal Republic of Germany on the Settlement of the Saar Question, dated 27 October 1956, in the field of customs, taxes and foreign currency, the provisions of Article 51 shall apply to movable property procured from occupation costs, mandatory expenditures or support costs funds, located in the Saarland, as well as to its removal from the Saarland to places outside the Federal Republic. The provisions of Article 51 shall, until the expiry of the transitional period referred to in this paragraph, apply *mutatis mutandis* to the removal of such property from other parts of the Federal territory to the Saarland.

4. The words "necessary to the fulfilment of the defence mission of NATO" contained in paragraph 3 of Article 51 shall not be construed as calling for a specific NATO directive.

5. Registration contracts in respect of railway cars concluded under paragraph 2 of Article 57 of the Supplementary Agreement shall, unless it is otherwise agreed, remain effective even if such railway cars are removed from the Federal territory pursuant to paragraph 3 of Article 51.

6. The agreements specified in paragraph 4 of Article 51 shall be concluded in the spirit of the mutual aid envisaged by Article 3 of the North Atlantic Treaty.

#### *Re Article 52*

In reaching agreement on residual value, the German authorities shall base their position on the military or economic use which the relinquished improvements, equipment, or supplies have for these authorities themselves, or on the net proceeds of sale, if any.

#### *Re Article 53*

1. Unless otherwise provided, a force shall not be entitled to exploit for economic benefit accommodation made available for its use.

2. Exploitation by the person entitled thereto shall be restricted only to the extent necessary to achieve the purpose stated in the first sentence of paragraph 1 of Article 53.

3. The term "restricted area" (*Schutzbereich*) shall be interpreted in accordance with its meaning in German law. The term "appropriate measures" within the meaning of paragraph 6 of Article 53 shall be construed to mean only such measures as can be taken by the German authorities within their legal powers.

4. Should German legislation implementing Article 53 prove insufficient to ensure that the defence responsibilities of a force can be satisfactorily fulfilled, the German authorities and the authorities of the force shall discuss the desirability or necessity of seeking amendment to such legislation.

5. Co-operation between the authorities of a force and the German authorities with regard to the administration of property made or to be made available by the Federal Republic to the force for its use shall extend in particular to the following fields :

- (a) determination of land boundaries, production of site plans and survey documents of plots of land ;
- (b) drawing up of property lists and inventories, valuation of such property ;

- (c) public safety and order, including fire precautions, prevention of accidents and safety measures, such as those pertaining to rifle ranges, ammunition depots, fuel depots and dangerous plant ;
  - (d) health and sanitation (as provided for in Article 54) ;
  - (e) industrial inspection ;
  - (f) water, gas and electricity supply, drainage, and sewage disposal ;
  - (g) property restrictions, protection of neighbouring property, town and country planning, protection of monuments and sanctuaries ;
  - (h) basic preservation of land and buildings ;
  - (i) water, power and heating plants, where these serve not only the force but also German agencies or the civilian population ;
  - (k) use of land and buildings by the civilian population or German authorities for business, agricultural or residential purposes ;
  - (l) forestry operations, hunting, shooting and fishing ;
  - (m) exploitation of mineral deposits ;
  - (n) traffic precautions, as well as maintenance and cleaning of roads open to the public traffic ;
  - (o) operation and maintenance of railway connections ;
  - (p) telecommunications.
6. Co-operation between the authorities of a force and the German authorities shall be carried out in accordance with the following procedures :
- (a) The authorities of the force and the German authorities shall designate representatives for a unit or units of accommodation. The representatives of the force and the German representatives shall co-operate to ensure that due consideration is given to the interests of the force and to German interests. They shall agree on such measures as may be necessary for implementing co-operation.
  - (b) The military commander responsible for the accommodation or other appropriate authority of the force shall give the German representatives and the experts nominated by them all reasonable assistance necessary to safeguard the German interests, including access to accommodation, subject in all cases to considerations of military security.
  - (c) Notwithstanding the provisions of sub-paragraphs (a) and (b) of this paragraph, the following procedure shall apply :
    - (i) The property lists and inventories of property referred to in sub-paragraph (b) of paragraph 5 of this Section shall normally be set up or checked

at the beginning and the end of the period for which a unit of accommodation is made available to the force for its use.

- (ii) Co-operation in the field of safety measures in respect of rifle ranges, ammunition depots and fuel depots shall normally be effected through joint commissions. Details of such procedure shall be laid down in administrative agreements.

7. Where provisions of the Supplementary Agreement or special NATO regulations prescribe for certain accommodation a different procedure for co-operation in the fields referred to in paragraph 5 of this Section, such provisions or regulations shall prevail.

*Re Article 54, paragraph 1*

In cases where it is legally or technically impossible for a force or a civilian component to comply in detail with a German health regulation, the German authorities and the authorities of the force shall agree without delay on other means of meeting the object of the regulation.

*Re Article 56, paragraph 9*

1. The individual administrative units and establishments (*Betriebe*) of a force or of a civilian component as defined by the force concerned shall be agencies within the meaning of the Personnel Representation Law (*Personalvertretungsgesetz*) of 5 August 1955 (*Bundesgesetzblatt Teil I*, page 477), referred to in this Section as "the Law". Those headquarters which are administratively immediately subordinate to the highest authority of a force and to which other agencies are administratively subordinate shall be the intermediate authorities.

2. There shall be no joint works councils (*Gesamtbetriebsräte*). Works councils above the local level (*Stufenvertretungen*) shall only be established at the level of the intermediate authorities as district works councils; the maximum number of their members shall be eleven. In the case of duty travel performed by the members of a district works council, travelling expenses shall be paid pursuant to the tariff provisions governing travelling expenses for salaried civilian employees of the force but at not less than the second highest rate.

3. In discussions with the works council, the head of the agency may be represented by a person holding a responsible position in the management of the agency. The head of the agency shall not be required to appoint the electoral committee for the election of the local works council. Applications by the Trade Unions for the convening of staff assemblies for the purpose of electing the electoral committee shall be submitted in writing.

4. The period of employment with the agency, required to establish eligibility for election to the works council, shall be one year.

5. The period of office of works councils shall be one year.

6. The head of the agency shall not be required to submit to the members of the works council such documents as are classified for security reasons. For the same reasons, and in accordance with special directives issued by the highest authority of the force, a member of the works council may be restricted in his right of access to agencies of the force; the same shall apply to other persons who, according to the provisions of the Law, may participate in the meetings of the works council.

7. In those cases where the provisions of the Law envisage rights to co-determination, the co-operation procedure (*Mitwirkungsverfahren*) shall apply. Works agreements (*Dienstvereinbarungen*) may be concluded on the basis of a freely negotiated settlement, if they are admissible in accordance with the Law, and if the head of the agency is authorized to conclude such agreement. The provisions of the Law concerning the reasons for denying the approval of upgrading, downgrading and transfer shall not apply.

8. Insofar as it is incompatible with the fulfilment of the defence responsibilities of the force, the head of the agency shall not be required to submit to or discuss with the works council any draft of administrative instructions prior to their being issued. In the case of investigations into accidents the works council shall be called in unless regulations regarding military security or discipline exclude the presence of works council members.

9. The works council shall co-operate in all measures concerning medical and health service for the employees, except in the appointment of medical doctors.

10. Where the Law provides for court decisions, the German Labour Courts shall decide cases in accordance with the procedure provided for in German law (*Beschlußverfahren*), and the Federal Republic shall act in the proceedings in the name of a force or a civilian component at their request.

11. At the request of a force or a civilian component, the agency designated by the Federal Republic shall apply for the institution of a criminal prosecution in respect of a breach of secrecy (*Verletzung der Schweigepflicht*) in accordance with the penal provisions of the Law.

12. The period of office of duly elected works councils existing at the date of entry into force of the Supplementary Agreement shall terminate not later than six months after that date.

#### *Re Article 57, paragraph 3*

During the thaw period any special road signs erected by the German authorities or special orders issued by the latter shall be observed except in cases of accidents, catastrophes or a state of emergency.



*Re Article 58*

The limited use, by the military transport services of a force, of specialized internal telephone systems operated by German agencies may be continued, subject to the conclusion of administrative agreements, provided that

- (a) the number of existing extensions shall not be increased ;
- (b) this number shall be jointly reviewed immediately after the entry into force of the Supplementary Agreement, and shall be reduced as far as possible ;
- (c) by mutual agreement the number of extensions shall subsequently be progressively reduced and these extensions finally discontinued as and when the technical development of the public telephone system or of an alternative military system renders such exceptional use unnecessary.

*Re Article 60*

1. If the German Federal Post intends to amend the regulations on the use of telecommunication facilities referred to in the second sentence of paragraph 1 of Article 60 or to introduce new regulations on such use, and a force will be affected thereby, the force shall be informed at the earliest possible date and in no case later than one month prior to the entry into force of the regulations in question, in order that any necessary consultations may take place. The force shall be allowed sufficient time to make any changes in telecommunication facilities or administrative procedure required thereby.

2. Aeronautical and meteorological services fall within the category of radio services referred to in sub-paragraphs (b) and (c) of paragraph 2 of Article 60.

3. (a) Sub-paragraph (b) of paragraph 4 of Article 60 refers to telecommunication facilities whose installation is not otherwise authorized under that Article.

(b) Where the period of six months stipulated in sub-paragraph (b) of paragraph 4 of Article 60 is exceeded due to factors beyond the control of the force or the implementing agency (e.g., strikes or lack of material), a special agreement covering the extension of such period of time shall be concluded. Telecommunication facilities of the force the establishment of which the German Federal Post has contracted prior to the entry into force of the Supplementary Agreement shall not be deemed subject to such period of six months. Such facilities may be taken into use at any time subsequent to the entry into force of the Supplementary Agreement.

4. The right mentioned in sub-paragraph (a) of paragraph 5 of Article 60 to set up and operate sound and television broadcasting stations does not affect the question of copyright.

5. (a) A force shall use only the frequencies assigned to it by the German authorities. Assignments of frequencies made prior to the entry into force of the Supplementary Agreement shall remain valid. The authorities of the force shall notify the German authorities of frequencies no longer required. If, by reason of international obligations, international relations, or essential German interests, the German authorities deem it necessary to change or withdraw a frequency assignment, they shall, before doing so, consult the authorities of the force.

(b) The procedure for the assignment of frequencies, for changes or withdrawals of frequencies already assigned and for an accelerated assignment of frequencies for temporary use in manoeuvres shall be laid down by special agreement between the German authorities and the authorities of a force. Such agreement shall be in accordance with relevant NATO procedures, directives and recommendations.

(c) Measures for the protection of frequencies through the competent NATO authority shall be initiated by the force concerned. Measures for the protection of frequencies through other international organizations, especially through the International Telecommunications Union (ITU), shall be initiated by the German authorities only at the request of the authorities of the force concerned.

(d) Information on frequencies used by a force shall be transmitted to other agencies and organizations only with the consent of the authorities of the force.

(e) Where radio stations of a force cause harmful interference to radio stations located outside the Federal territory, or suffer harmful interference from such stations, the German authorities shall proceed in accordance with the International Telecommunication Convention in force at the time and its pertinent Radio Regulations, except where special agreements have been concluded with the sending State operating the radio stations concerned in the Federal territory.

(f) A force shall be bound by the provisions contained in Appendices 3 and 4 of the Radio Regulations of Atlantic City 1947<sup>1</sup> or by such provisions as may replace them only insofar as this can reasonably be expected in the fulfilment of its defence responsibilities.

6. (a) In addition to the international instruments referred to in paragraph 8 of Article 60, a force shall observe equally the provisions of the following international instruments which the Federal Republic while not a party thereto applies in its territory :

- (i) European Regional Convention for the Maritime Mobile Radio Service, Copenhagen, 1948 ;

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<sup>1</sup> United Nations, *Treaty Series*, Vol. 194, p. 3, and Vol. 195, pp. 5 and 119.

- (ii) Frequency Allocation Plan for the Aeronautical Mobile Service and Final Act, Geneva, 1948/49 ;
- (iii) Final Acts of the Extraordinary Administrative Radio Conference, Geneva, 1951 ;<sup>1</sup>
- (iv) Special Arrangements Concerning Radio Beacons in the European Zone of Region I, Paris, 1951.

(b) Subject to prior agreement between a force and the German authorities the force shall also observe the provisions of any other new international instruments in the field of telecommunications to which the Federal Republic is not a party, to the extent that the Federal Republic applies such provisions in its territory. Except for compelling military reasons the force shall not object to the application of the provisions of instruments of this kind.

(c) The German authorities shall give due consideration to the requirements of a force insofar as the Federal Republic applies in its own territory international instruments in the field of telecommunications to which it is not a party.

(d) Sub-paragraphs (a) to (c) of this paragraph shall, however, apply on the understanding that a force is not bound by the provisions of the instruments referred to therein to the extent that the German Armed Forces are exempt from them under domestic German regulations.

#### *Re Article 63*

1. The arrangements set forth in Article 63 shall not exclude the possibility of agreements being concluded on financial matters during discussions or negotiations which are envisaged in the Supplementary Agreement or in the NATO Status of Forces Agreement and in which financial matters play a part.

2. Property and services used by or rendered to a force or to a civilian component without charge in accordance with paragraphs 2 and 3 and sub-paragraphs (a) and (b) of paragraph 4 of Article 63 may be officially made available by the force or by the civilian component to the dependents of the members of the force or of the civilian component in the same way as they may be officially made available to such members themselves.

3. Services rendered by the German Armed Forces in the meteorological, topographical, and cartographical fields shall be reserved to special arrangements.

4. Property legally owned by the Federation or by a Land (*rechtlich im Eigentum des Bundes oder eines Landes stehend*) shall not be deemed to include property owned by other juristic persons even though their shares are held by the Federation or by a Land.

<sup>1</sup> United States of America : *Treaties and Other International Acts Series 2753*.

5. The Federal Republic is prepared to ensure under special agreements to be concluded in individual cases that certain property owned by juristic persons whose shares are held by the Federation or by a Land shall be made available to a force or to a civilian component for use without any obligation on their part to pay rental therefor.

6. Property within the meaning of sub-paragraphs (a) and (b) of paragraph 4 of Article 63 may be transferred by a force or a civilian component to another force or another civilian component only with the consent of the German authorities.

7. (a) If it is so agreed between the German authorities and the authorities of a force, payment shall be made for the use of property acquired by the Federation after the entry into force of the Supplementary Agreement for purposes other than defence.

(b) If it is so agreed between the German authorities and the authorities of a force, the sending State shall not be relieved from liability for any possible claims which may be due to a Land under German law in respect of the use of property acquired by the Land after the entry into force of the Supplementary Agreement for purposes other than defence.

8. Other operating costs within the meaning of sub-paragraph (d) of paragraph 4 of Article 63 also include the following :

(a) the cost of

- (i) cleaning and strewing roads, pavements, and access ways ;
  - (ii) sewage and garbage disposal ;
  - (iii) drainage ;
  - (iv) chimney sweeping ;
  - (v) compulsory insurance against fire and other damage to property ;
- insofar as there is obligation under German law to meet such cost ;

(b) where applicable, the cost of

- (i) supply of electricity, gas, water, heat, and fuel, whether made available together with the property or separately obtained direct from the appropriate public supply services ;
- (ii) operation of lifts ;
- (iii) cleaning and disinfestation ;
- (iv) upkeep of gardens ;
- (v) employment of caretaker.

9. In view of the fact that payment by a force of current public charges on property and of other operating costs may in some cases involve direct payment to the supplier of the services concerned (some of which services are separately payable under German law and are not covered, or are not fully covered, by the current public charges

on property) and in other cases reimbursement to the Federal Republic, arrangements shall to the extent necessary be made to make sure that there is no duplication of payment for the same service.

10. The arrangement set forth in sub-paragraph (*d*) of paragraph 4 of Article 63 and in paragraph 8 of this Section shall not exclude negotiations between the authorities of the force and the local German authorities with a view to obtaining exemption from fees where such services are performed by the force itself instead of by the competent German agencies.

11. As far as accommodation is concerned, the expression "cost of repairs and maintenance" contained in item (i) of sub-paragraph (*d*) of paragraph 4 of Article 63 shall mean costs arising from the repair and maintenance work referred to in paragraph 4 of Article 48 and in paragraph 6 of the Section of the Protocol of Signature referring to that Article.

12. Compensation payable under the Land Procurement Law (item (i) of sub-paragraph (*a*) of paragraph 5 of Article 63) includes the payments to be made in the case of procurement by free negotiation, in particular, the purchase price and rental.

#### *Re Article 68*

1. (*a*) If a new German tax, which is created after the entry into force of the Supplementary Agreement and which is not merely an extension of an existing German tax, is applicable to members of a force or of a civilian component or to dependents under the provisions of the NATO Status of Forces Agreement and the Supplementary Agreement and is directly payable by them in accordance with German tax legislation, the Federal Government shall, upon request, carefully examine whether and to what extent such tax is to be paid by such persons. In this, the Federal Government shall, in particular, be guided by the endeavour to avoid any burdens on members of a force or of a civilian component or on dependents that appear unjustified in the light of the purpose and the special conditions of their presence in the Federal Republic.

(*b*) The same procedure shall apply if any tax existing at the time of the entry into force of the Supplementary Agreement but not contained in the list set forth in paragraph 2 of this Section is applicable to members of a force or of a civilian component or to dependents under the provision of the NATO Status of Forces Agreement and the Supplementary Agreement and is directly payable by them in accordance with German tax legislation.

(*c*) The list set forth in paragraph 2 of this Section specifies existing Federal and *Land* taxes and all other taxes known to the Federal Government at the time of the entry into force of the Supplementary Agreement that are applicable to members

of a force or of a civilian component or to dependents under the provisions of the NATO Status of Forces Agreement and the Supplementary Agreement and are directly payable by them in accordance with German tax legislation. In general, the list does not include the indirect taxes which might be reflected in the price of goods and services and from which members of a force or of a civilian component or dependents are not exempted. The explanations accompanying some of the taxes contained in the list summarize the circumstances under which these taxes are applicable.

(d) Tax relief for members of the German Armed Forces and their dependents does not exist under present German law and such relief is not envisaged for the future. Should such tax relief, however, be granted, the Federal Government shall endeavour to extend its application to members of the forces and of the civilian components and to dependents.

## 2. List of German Taxes

### (a) Taxes on Income

*Einkommensteuer, Lohnsteuer, Kapitalertragsteuer, Aufsichtsratssteuer, Steuerabzug von Einkünften bei beschränkt Steuerpflichtigen.*

Tax is imposed only on internal income, i. e., in general, income earned within the Federal Republic, except emoluments and income paid to members of a force or of a civilian component by the sending State in their capacity as such members.

### (b) Taxes on Property or on Ownership of Property

*Vermögensteuer, Grundsteuer, Rentenbankgrundschuldzinsen, Kirchensteuer.*

Tax is imposed only with respect to internal property, i.e., in general, property within the Federal Republic, except movable property which is in the Federal Republic for no reason other than that the member of a force or of a civilian component or the dependent is temporarily present in the Federal Republic.

### (c) Tax on Inheritance and Gifts

*Erbschaftsteuer.*

Tax is imposed only on internal property (within the meaning of sub-paragraph (b) of this paragraph), except movable property which is in the Federal Republic for no reason other than that the member of a force or of a civilian component or the dependent is temporarily present in the Federal Republic, or on the usufruct value of such property acquired by way of inheritance or gift. If the deceased at the time of his death, or the donor at the time the gift was made, had their domicile or habitual residence (within the meaning of the tax laws) in the Federal Republic, the tax will be assessed on the basis of the total value of the inheritance or gift.

(d) Transfer and Traffic Taxes

*Kapitalverkehrsteuer, Wechselsteuer, Beförderungsteuer, Versicherungssteuer, Grunderwerbsteuer (und Überpreis), Wertzuwachssteuer, Kraftfahrzeugsteuer.*

As regards insurance tax, those insurers and authorized representatives shall be deemed to be inland insurers and authorized inland representatives within the meaning of paragraph 2 of Article 68 who have their domicile or seat or head office in the Federal territory.

The vehicle tax for private passenger vehicles shall only be levied on motor vehicles bearing German registration numbers.

(e) Levies within the scope of "Equalization of Burdens"

*Lastenausgleichsabgaben*

(f) Taxes on Hunting, Shooting and Fishing

*Jagdsteuer, Fischsteuer*

(g) Business Taxes

*Gewerbesteuer, Umsatzsteuer, Schankerlaubnissteuer, Getränkesteuer*, and other taxes which may be applicable to enterprises.

The taxes are imposed where members of a force or of a civilian component, outside their activities as members of a force or of a civilian component, act as enterprisers within the Federal territory. The concept of "enterpriser" (*Unternehmer*) covers the independent exercise of commercial or professional activities, i. e., any continuous activity designed to realize proceeds (*Einnahmen*), even if the intention to gain profit is absent. The concept of "turn-over" (*Umsatz*) covers internal deliveries and services rendered within the Federal territory by an enterpriser against remuneration within the framework of his enterprise.

*Re Article 71*

1. Unless otherwise agreed with the German authorities, the total number of civilian employees within the meaning of Article 56 of the Supplementary Agreement, who, on the entry into force of that Agreement, are permanently employed in sales agencies and clubs serving a force, may not be increased by more than 25 per cent.

2. Non-German non-commercial organizations within the meaning of paragraph 1 of Article 71 :

(a) British organizations :

(i) Navy, Army and Air Force Institutes (N.A.A.F.I.)

- (ii) Malcolm Clubs
- (iii) Council for Voluntary Welfare Work (C.V.W.W.) represented by Young Men's Christian Association (Y.M.C.A.)
- (iv) Army Kinema Corporation
- (v) R.A.F. Cinema Corporation
- (b) Canadian organizations :  
Maple Leaf Services

3. Non-German non-commercial organizations within the meaning of paragraph 2 of Article 71 :

- (a) American organizations :
  - (i) American Red Cross  
Purpose :  
Welfare and other assistance services for members of the force or of the civilian component and dependents
  - (ii) University of Maryland  
Purpose :  
University courses for members of the force or of the civilian component and dependents
- (b) British organizations :
  - (i) The organizations attached to the Council for Voluntary Welfare Work (C.V.W.W.) :
    - (aa) Church Army
    - (bb) The Church of Scotland Committee on Hut and Canteen Work for H. M. Forces
    - (cc) Catholic Women's League
    - (dd) British Salvation Army
    - (ee) Young Men's Christian Association (Y.M.C.A.)
    - (ff) Young Women's Christian Association (Y.W.C.A.)
    - (gg) Toc H
    - (hh) Methodist and United Board Churches  
Purpose :  
Social and religious welfare services for members of the force or of the civilian component and dependents, in particular operation of canteens, book shops, libraries and reading rooms
  - (ii) Women's Voluntary Services (W.V.S.)  
Purpose :  
Social welfare services for members of the force or of the civilian component and dependents in N.A.A.F.I. canteens



- (iii) British Red Cross Society, including the Order of the Knights of St. John and the St. Andrew's Ambulance Association

Purpose :

Welfare and physiotherapy services in British Service Hospitals

- (iv) Forces Help Society and Lord Roberts' Workshops

Purpose :

Welfare services for members of the force, in particular in connection with personal problems of members of the force

- (v) Soldiers' and Airmen's Scripture Readers Association

Purpose :

Propagation of study of the Bible among members of the force or of the civilian component and dependents

- (vi) Soldiers', Sailors' and Airmen's Families Association

Purpose :

Family welfare and nursing service for members of the force and of the civilian component.

(c) French organizations :

- (i) Association d'entr'aide (First Aid Association)

Purpose :

Medical and social services for members of the force or of the civilian component and dependents, and particularly, as far as the Croix Rouge Française (French Red Cross) is concerned, administration of sanatoria and of social assistance medical centres

- (ii) Associations Sportives et Culturelles

Purpose :

Promotion of communal outdoor cultural activities and outdoor sports among members of the force or of the civilian component and dependents ; establishment of closer contact between teachers and parents of pupils ; organization of private classes and kindergartens

- (iii) Associations d'Officiers et de sous-Officiers de réserve

Purpose :

Establishment of contacts between officers and NCOs of the reserve stationed in the Federal territory as members of the civilian component or dependents

- (iv) Associations d'Anciens Combattants et Victimes de la Guerre

Purpose :

Social and material support to members of the force or of the civilian component and dependents who are ex-service-men or war victims and maintenance of close contact amongst them.

(d) Belgian organizations :

(i) Cantine Militaire Centrale (C.M.C.)

Purpose :

Operation of canteens and sales stores for the benefit of the force, of members of the force or of the civilian component and dependents

(ii) Associations sportives, culturelles et d'entr'aide sociale

Purpose :

Promotion of sports, establishment of closer contact between teachers and parents of pupils, organization of private classes and kindergartens, organization of libraries, mutual social assistance, for the benefit of members of the force or of the civilian component and dependents.

(e) Canadian organizations :

Canadian Salvation Army

Purpose :

Social and religious welfare services for members of the force or of the civilian component and dependents, in particular operation of canteens.

4. Vehicles operated by non-German non-commercial organizations listed in paragraphs 2 and 3 of this Section shall be considered to be "service vehicles" within the meaning of sub-paragraph (c) of paragraph 2 and paragraph 11 of Article XI and paragraph 4 of Article XIII of the NATO Status of Forces Agreement.

5. The German regulations mentioned in paragraph 3 of Article 71 include those relating to foreign companies, trade licensing, price control and shop closing hours.

*Re Article 72*

1. Non-German commercial enterprises within the meaning of paragraph 1 of Article 72 :

(a) American Enterprises

(i) American Express Co., Inc.

(ii) Chase Manhattan Bank (Heidelberg)

(b) Canadian Enterprises

Banks of Montreal

2. The banks listed in paragraph 1 of this Section shall not conduct activities which might influence the German market ; in particular they shall not participate in the German stock market.

The present Protocol of Signature shall constitute an integral part of the Supplementary Agreement.

IN WITNESS WHEREOF the undersigned Representatives duly authorized thereto have signed the present Protocol.

DONE at Bonn, this third day of August 1959, in the German, English and French languages, all texts being equally authentic.

Für das Königreich Belgien :  
For the Kingdom of Belgium :  
Pour le Royaume de Belgique :

Baron DE GRUBEN

Für Kanada :  
For Canada :  
Pour le Canada :

Escott REID

Für die Französische Republik :  
For the French Republic :  
Pour la République Française :

François SEYDOUX

Für die Bundesrepublik Deutschland :  
For the Federal Republic of Germany :  
Pour la République Fédérale d'Allemagne :

A. H. VAN SCHERPENBERG

Für das Königreich der Niederlande :  
For the Kingdom of the Netherlands :  
Pour le Royaume des Pays-Bas :

H. VAN VREDENBURCH

Für das Vereinigte Königreich von Großbritannien und Nordirland :  
For the United Kingdom of Great Britain and Northern Ireland :  
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

Christopher STEEL

Für die Vereinigten Staaten von Amerika :  
For the United States of America :  
Pour les États-Unis d'Amérique :

David BRUCE

AGREEMENT<sup>1</sup> TO IMPLEMENT PARAGRAPH 5 OF ARTICLE 45 OF THE AGREEMENT<sup>2</sup> TO SUPPLEMENT THE AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY REGARDING THE STATUS OF THEIR FORCES<sup>3</sup> WITH RESPECT TO FOREIGN FORCES STATIONED IN THE FEDERAL REPUBLIC OF GERMANY. SIGNED AT BONN, ON 3 AUGUST 1959

For the purpose of implementing paragraph 5 of Article 45 of the Agreement<sup>2</sup> to supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces<sup>3</sup> with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on 3rd August 1959 (hereinafter referred to as the "Supplementary Agreement")

The Kingdom of Belgium,  
Canada,  
The French Republic,  
The Federal Republic of Germany,  
The Kingdom of the Netherlands,  
The United Kingdom of Great Britain and Northern Ireland, and  
The United States of America,  
Have agreed as follows :

*Article 1*

The authorities of a force shall notify the Federal Minister of Defence of their annual programmes of manoeuvres and other training exercises in which units with the minimum strength of a brigade group or regimental combat team or equivalent formation will be taking part. The time of such notification shall be agreed upon with each individual force.

<sup>1</sup> Came into force on 1 July 1963, in accordance with article 9. The instruments of ratification or approval (a) were deposited with the Government of the United States of America, as follows :

United States of America . . . . .	28 July	1961 (a)
Canada . . . . .	11 December	1961
France . . . . .	11 January	1962
United Kingdom of Great Britain and Northern Ireland . . . . .	9 July	1962
Netherlands (for the Kingdom in Europe) . . . . .	10 September	1962
Belgium . . . . .	15 May	1963
Federal Republic of Germany . . . . .	1 June	1963

<sup>2</sup> See p. 330 of this volume.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 199, p. 67 ; Vol. 200, p. 340 ; Vol. 260, p. 452 ; Vol. 286, p. 380, and p. 588 of this volume.

*Article 2*

Plans for the conduct of manœuvres and other training exercises (sub-paragraph (b) of paragraph 5 of Article 45 of the Supplementary Agreement) shall be communicated to :

- (a) the authorities of the *Land* and the Military District Administration (Wehrbereichsverwaltung) simultaneously in cases in which the manœuvres or other training exercises are to be held in one Military District exclusively or, if two or more Military Districts are affected, units not exceeding battalion strength are to take part ;
- (b) the Federal Minister of Defence in cases in which the manœuvres or other training exercises are to be conducted in two or more Military Districts and in which units exceeding battalion strength are to take part.

*Article 3*

1. In cases falling under sub-paragraph (a) of Article 2 of the present Agreement, the periods of time specified in the Annex<sup>1</sup> to the present Agreement shall apply for the communication of plans to the German authorities and for the latter to state their final opinion.

2. In cases falling under sub-paragraph (b) of Article 2 of the present Agreement, the periods of time for the communication of plans stated in items 2 and 3 of the Annex to the present Agreement shall in each case be extended by two weeks.

3. The German authorities shall inform the authorities of a force as early as possible of any objections to the plan. The joint discussions envisaged in paragraph 5 of Article 45 of the Supplementary Agreement shall be so expedited by the German authorities and the authorities of the force as to ensure that if possible, and if necessary at a higher level, agreement is reached within the period of time specified in the Annex to the present Agreement for the final opinion of the German authorities.

*Article 4*

In particular, plans shall contain the following data :

- (a) designation (code name, nickname) and type of manœuvre or other training exercise ;
- (b) time and date of the beginning and end of the manœuvre or other training exercise, of assembly and departure, and of the preparatory measures ;

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<sup>1</sup> See p. 563 of this volume.

- (c) designation of the area in which the manoeuvre or other training exercise is to be conducted (to be accompanied by maps or sketch-maps on a suitable scale) ;
- (d) approximate information about
  - (i) the total strength of the units engaging in the exercise,
  - (ii) the total number of wheeled and tracked vehicles,
  - (iii) the number of wheeled and tracked vehicles classified in or above Class 24 in Standardization Agreement 2021 (second edition),
  - (iv) the areas and roads where vehicles are principally to be engaged,
  - (v) number, type, engagement area and flight altitude of aircraft to be engaged, if any,
  - (vi) off-base landings or parachute jumps or drops proposed, if any, and where such exercises are probably to take place ;
- (e) information as to whether and if so, to what extent earthworks are envisaged and whether camouflage material will be required ;
- (f) information regarding any special arrangements desired (e.g., for the closing of public ways or stretches of water) ;
- (g) information as to whether and if so, to what extent billets will require to be supplied.

#### *Article 5*

In the case of manoeuvres and other training exercises conducted by a force with other forces or with the German Armed Forces, the authorities of the force in command of the manoeuvre or other training exercise shall communicate the plans to the German authorities competent under Article 2 of the present Agreement.

#### *Article 6*

Notwithstanding the provisions of Articles 2 and 3 of the present Agreement, agreements may be concluded between the German authorities and the authorities of a force providing in the case of specific areas and specific categories of training exercises for a combined notification covering a specific period of time instead of individual notifications. Such agreements shall contain particulars as to how and to what extent exercises are to be conducted in such areas and the time limits within which the combined notification shall be made, as well as any other arrangements required.

*Article 7*

The present Agreement may be amended or supplemented by agreement between the Federal Government and the Government of a sending State. Such amendment or supplement shall not affect the provisions of the present Agreement as regards relations between the Federal Republic and the other sending States.

*Article 8*

The present Agreement shall be ratified or approved. The instruments of ratification or of approval shall be deposited by the signatory States with the Government of the United States of America which shall notify each signatory State of the date on which the instruments are deposited.

*Article 9*

The present Agreement, which shall enter into force on the same date as the Supplementary Agreement, shall be deposited in the Archives of the Government of the United States of America, which shall transmit certified copies thereof to each signatory State.

IN WITNESS WHEREOF the undersigned Representatives duly authorized thereto have signed the present Agreement.

DONE at Bonn, this third day of August 1959, in the German, English and French languages, all texts being equally authentic.

Für das Königreich Belgien :  
For the Kingdom of Belgium :  
Pour le Royaume de Belgique :

Baron DE GRUBEN

Für Kanada :  
For Canada :  
Pour le Canada :

Escott REID

Für die Französische Republik :  
For the French Republic :  
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François SEYDOUX

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A. H. VAN SCHERPENBERG

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For the Kingdom of the Netherlands :  
Pour le Royaume des Pays-Bas :

H. VAN VREDENBURCH

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For the United Kingdom of Great Britain and Northern Ireland :  
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

Christopher STEEL

Für die Vereinigten Staaten von Amerika :  
For the United States of America :  
Pour les États-Unis d'Amérique :

David BRUCE



ADMINISTRATIVE AGREEMENT<sup>1</sup> TO ARTICLE 60 OF THE  
AGREEMENT<sup>2</sup> TO SUPPLEMENT THE AGREEMENT  
BETWEEN THE PARTIES TO THE NORTH ATLANTIC  
TREATY REGARDING THE STATUS OF THEIR FORCES<sup>3</sup>  
WITH RESPECT TO FOREIGN FORCES STATIONED IN  
THE FEDERAL REPUBLIC OF GERMANY. SIGNED AT  
BONN, ON 3 AUGUST 1959

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For the purpose of implementing Article 60 of the Agreement<sup>2</sup> to supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces<sup>3</sup> with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on 3rd August 1959 (hereinafter referred to as the Supplementary Agreement), the Governments of

The Kingdom of Belgium,

Canada,

The French Republic,

The Federal Republic of Germany,

The Kingdom of the Netherlands,

The United Kingdom of Great Britain and Northern Ireland, and

The United States of America,

Have agreed as follows :

*Article 1*

APPLICATIONS FOR SERVICE

1. Applications for telecommunication services shall be made to the competent agency of the German Federal Post by the authorities of a force designated for that purpose.

2. (a) Applications shall be submitted in writing.

(b) In the event of urgent necessity applications may, in exceptional cases, be made by telephone, teleprinter, or telegraph. Such applications shall be followed by written confirmation within forty-eight hours.

3. Applications for telecommunication lines, except for local-area tie-lines and local-area private branch extensions (hereinafter referred to as PBX extension lines),

<sup>1</sup> Came into force on 1 July 1963, in accordance with article 10.

<sup>2</sup> See p. 330 of this volume.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 199, p. 67 ; Vol. 200, p. 340 ; Vol. 260, p. 452 ; Vol. 286, p. 380, and p. 588 of this volume.

shall be made pursuant to NALLA procedure. Deviations from this procedure may be agreed between a force and the Federal Ministry of Posts and Telecommunications.

### *Article 2*

#### PROVISION OF SERVICE

1. Insofar as it is technically possible, the German Federal Post shall fulfil applications for telephone main stations, teleprinter main stations, PBX extension stations and circuits of all kinds within seven days.

2. In the event of urgent necessity, authorities of a force, specially designated for that purpose, may apply for priority installation of the telecommunication facilities listed in paragraph 1 of this Article. The German Federal Post shall normally fulfil such applications within a period of forty-eight hours.

### *Article 3*

#### OUT-OF-AREA MAIN STATIONS AND OUT-OF-AREA PBX EXTENSION STATIONS

1. In cases of compelling military reasons, applications may be made for out-of-area PBX extension stations over an airline distance in excess of twenty-five kilometres and for out-of-area main stations. Such applications shall be made only by high military headquarters of a force.

2. The execution of such services shall be governed by Article 2 of the present Agreement.

### *Article 4*

#### LEASING OF TELECOMMUNICATION LINES

1. For local-area PBX extension lines leased to the United States, British, and French Forces, and the Royal Canadian Air Force, flat rates calculated on the basis of the average length of the circuits provided for each of such forces shall apply. The flat rate applicable to the British force shall apply to the Canadian brigade.

2. The charges for detour routing, if such routing be requested by a force, shall be based on the airline distances between the starting point, the points of detour and the end point of the route.

3. Both between the several forces and between them and the German Armed Forces PBXs may be interconnected by local-area and out-of-area tie-lines. Such interconnections shall be limited to the indispensable minimum, and shall in each specific case require an agreement between representatives of the Commanders of

the forces concerned, who have been designated for that purpose, and the Federal Ministry of Posts and Telecommunications.

4. A substitute line shall be made available if possible, whenever it becomes evident that an interruption of service will last longer than six hours.

5. Where no substitute line has been made available in the case of out-of-area telephone and teleprinter tie-lines and of out-of-area PBX extension lines exceeding twenty-five kilometres, paid for in accordance with the internal German tariffs, one thirtieth of the monthly charge shall be reimbursed for each calendar day during which the line is continuously interrupted for more than twelve hours. Such interruption shall be deemed to have commenced when the appropriate agency of the German Federal Post received notification thereof.

6. Wherever CCITT rates apply to the use of international lines, reimbursement for interruptions in such lines shall be calculated in accordance with CCITT recommendations.

7. Internal German leased telephone circuits may be used alternatively or simultaneously for speech, the transmission of photos or facsimiles, or the transmission of telegraphic signals by means of single channel equipment. No additional charge shall be made therefor.

8. (a) The German Federal Post shall lease to a force basic circuits for voice frequency carrier telegraphy for multichannel operation with voice frequency carrier telegraphy equipment or with transmission equipment for mechanical reporting.

(b) The charge for such basic circuit shall be one and a half times the charge for a telephone line, irrespective of the number of channels used.

9. (a) The force shall procure and maintain the terminal equipment used for the purposes set forth in paragraphs 7 and 8 of this Article and shall undertake to eliminate any interference from such equipment.

(b) Specimens of such terminal equipment shall prior to being taken into use be made available to the German Federal Post for tests. Such terminal equipment components as are subject to military security classification shall only be subject to test for their effect upon the public network. The German Federal Post shall in any case be notified prior to the connection of such terminal equipment to leased lines except where such action is impracticable in the event of manœuvres or other training exercises for equipment serving the purposes set forth in paragraph 7 of this Article.

(c) Terminal equipment utilised for the purposes set forth in paragraphs 7 and 8 of this Article shall not be located within German Federal Post premises. Deviations herefrom may be agreed to for manœuvres and other training exercises.

#### *Article 5*

##### PBXs

1. Deviations from German regulations in the case of existing PBXs shall be permissible where they do not adversely affect the public network.

2. Existing PBXs which permit through-dialling to extension stations but which are not equipped with answering position and transfer facilities may continue to be operated in this condition. New PBXs of this type shall be installed only in exceptional cases.

3. (a) An additional monthly charge shall be payable for each incoming or alternately operated exchange line in the case of the PBXs referred to under paragraph 2 of this Article.

(b) The charge shall be payable only after the technical devices for the automatic transfer of trunk calls (automatic rerouting to the PBX switchboard operator in case of busy extensions) within PBXs which permit through-dialling have been provided within the German Federal Post local exchange area used by a force, and after all German PBXs within this local exchange area which permit through-dialling have been made to conform to the requirements of the German Federal Post.

(c) The charge shall be uniform in all local exchange areas and shall be fixed by mutual agreement.

4. PBXs shall be technically adapted to prevent the interconnection of out-of-area tie-lines with civil exchange lines of the PBXs by automatic dialling. This requirement may be dispensed with in the case of manual PBXs if a force otherwise ensures that such interconnections are made only in urgent official cases and only with telephone subscribers in the local exchange areas in which the PBXs are located.

5. In the case of secondary PBXs of a force, outgoing and up to two incoming or alternately operated exchange lines to the civil telephone exchange in the locality of the secondary PBX in question shall be permissible. It shall be rendered technically impossible to connect such exchange lines to the main PBX.

6. Any desired number of parallel telephone sets may be connected to PBX extension stations not authorized access to exchange lines. In the case of PBX

extension stations authorized access to exchange lines, the number of parallel telephone sets for any one PBX extension station should not exceed two. If, in exceptional cases, a force connects more than two parallel telephone sets to a PBX extension station authorized access to exchange lines, it shall be responsible for any interference or operational difficulties resulting therefrom.

#### Article 6

##### MINIMUM PERIOD OF LEASE

1. The minimum period of lease for main stations and lines shall be three months. Notwithstanding this, main stations and lines may in the event of manœuvres, training exercises, and other similar occasions, be leased for short periods (within the meaning of Section 16 of the *Fernsprechordnung* of 24 November 1939, *Official Gazette of the Reichsminister of Posts and Telecommunications*, page 859).

2. The German regulations governing the minimum period of lease shall not apply to existing PBXs owned by the German Federal Post.

#### Article 7

##### NOTICE OF TERMINATION

1. Leases for main stations may be terminated at the end of any month following the expiry of the minimum period of three months. Notice of such termination must be received by the German Federal Post by the twentieth day of the month concerned.

2. Leases on circuits may, subject to ten days notice in advance, be terminated at any time subsequent to the expiry of the minimum period of three months.

#### Article 8

##### ACCOUNTING PROCEDURES

1. The following deviations from normal German accounting procedures shall apply to telecommunication services rendered to the force :

- (a) Bills shall be payable within thirty days.
- (b) Written notification of any arrears in payment shall be submitted on the forty-fifth calendar day subsequent to the issuance of bills. Interest shall not be charged on arrears in payment, nor shall services be suspended.
- (c) Bills for particular items to which the force takes exception shall be returned immediately to the issuing office together with all pertinent documentation.

If agreement concerning the disputed amounts cannot be reached immediately upon the return of the bill, a new and provisional bill excluding the disputed amounts shall be prepared. Efforts will be made to reach agreement concerning the disputed amounts within thirty days. Should the force agree to pay a disputed amount, such amount shall be included in the next regular bill, the force being notified thereof beforehand in writing.

- (d) (i) All amounts still disputed at the close of the fiscal year of a force shall at the request of the force concerned be included in the bills for the final calendar month of such fiscal year. The disputed amounts shall be marked as such. Efforts to reach agreement concerning them shall continue. Other charges included in these bills shall be payable within thirty days.
- (ii) Disputed amounts omitted through error from the billing at the close of the fiscal year of a force shall be included in subsequent regular billing. The force shall be notified separately in writing thereof, such notification to contain all data necessary for payment in the manner of an invoice.
- (e) Bills for line charges calculated at the Fernmeldetechnisches Zentralamt shall be submitted collectively after the twentieth day of each calendar month. Such bills shall include all charges recorded by the Fernmeldetechnisches Zentralamt for the current calendar month up to the date of billing. Charges recorded after the date of billing shall be billed in the subsequent calendar month. Lines installed for manœuvres and other training exercises shall be billed separately.

2. Other deviations from accounting procedures, concerning a single force, may be agreed upon between the authorities of the force and the Federal Ministry of Posts and Telecommunications.

#### Article 9

##### PROVISIONS CONCERNING TARIFFS

1. The following deviations from German regulations governing tariffs shall apply to a force :

- (a) The charge for the lease of a telephone out-of-area tie-line (third sentence of paragraph 1 of Section 7 of the *Fernsprechordnung*) shall irrespective of length be 1.20 Deutsche Mark monthly per hundred metres.
- (b) The charge for the lease of a teleprinter out-of-area tie-line (Annex to the *Verordnung über Gebühren für Nebentelegraphen und für den Fernschreibdienst* of 12 June 1942, *Official Gazette of the Reichsminister of Posts and Telecommunications*, II A 4 on page 415) shall irrespective of length be 0.45 Deutsche Mark monthly per hundred metres.

2. The loss-of-call-charge (*Gebühr für den Ausfall an Gesprächsgebühren*) (Sections 6 and 7 of the *Fernsprechordnung*) shall not be levied for that portion of a circuit irrespective of length which runs in telecommunication circuits (i.e. all types of cables, open wire and radio circuits) which have been constructed from the national funds of a force or from occupation cost, mandatory expenditures or support cost funds.

3. Paragraph 2 of this Article shall apply *mutatis mutandis* to the one-time contribution to cost for extension lines (Section 6 of the *Fernsprechordnung*).

#### Article 10

##### ENTRY INTO FORCE

The present Agreement shall enter into force on the date of the entry into force of the Supplementary Agreement.

IN WITNESS WHEREOF the undersigned Representatives duly authorized thereto by their respective Governments have signed the present Agreement.

DONE at Bonn, this third day of August 1959, in the German, English and French languages, all texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Federal Republic of Germany which shall transmit certified copies thereof to each signatory Government.

Für das Königreich Belgien :  
For the Kingdom of Belgium :  
Pour le Royaume de Belgique :

Baron DE GRUBEN

Für Kanada :  
For Canada :  
Pour le Canada :

Escott REID

Für die Französische Republik :  
For the French Republic :  
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François SEYDOUX

Für die Bundesrepublik Deutschland :  
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Für das Königreich der Niederlande :  
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H. VAN VREDENBURCH

Für das Vereinigte Königreich von Großbritannien und Nordirland :  
For the United Kingdom of Great Britain and Northern Ireland :  
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

Christopher STEEL

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Pour les États-Unis d'Amérique :

David BRUCE