



Treaty Series No. 57 (1999)

Agreement to amend the Agreement
of 3 August 1959, as amended by the Agreements
of 21 October 1971 and 18 May 1981,
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

Bonn, 18 March 1993

[The United Kingdom instrument of ratification was deposited
on 9 February 1995 and the Agreement entered into force
for the United Kingdom on 29 March 1998]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 1998*

AGREEMENT
TO AMEND THE AGREEMENT OF 3 AUGUST 1959¹, AS AMENDED BY
THE AGREEMENTS OF 21 OCTOBER 1971² AND 18 MAY 1981³,
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

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

Article 2 of the Agreement of 3 August 1959, as amended by the Agreements of 21 October 1971 and 18 May 1981, 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") shall be amended as follows:

The introduction to paragraph 1 shall be replaced as follows:

"1. Unless otherwise specified, in the present Agreement the term"

ARTICLE 2

Article 3 of the Supplementary Agreement shall be amended as follows:

1. Paragraph 3 shall be replaced as follows:

"3. (a) 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. Personal data shall be passed on solely for the purposes envisaged in the NATO Status of Forces Agreement and in the present Agreement. Restrictions in possible applications based on the legislation of the Contracting Party supplying the information shall be observed.

(b) This paragraph shall not impose an obligation on a Contracting Party to carry out measures which would contravene its laws or conflict with its predominant interests with regard to the protection of the security of the State or of public safety."

2. Paragraph 7 shall be deleted.

ARTICLE 3

Article 9 of the Supplementary Agreement shall be amended as follows:

1. Paragraph 1 shall be replaced as follows:

"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. Driving licences for service vehicles shall also authorise, to the extent that this is permissible

¹Treaty Series No. 73 (1963) Cmnd. 2191.

²Treaty Series No. 25 (1975) Cmnd. 5927.

³Treaty Series No. 52 (1982) Cmnd. 8718.

under the law of the sending State, the operation of corresponding private vehicles. The authorities of the sending State or of its force shall be empowered on the basis of such driving licences to issue driving licences to operate corresponding private vehicles.”

2. Paragraph 3 shall be replaced as follows:

“3. (a) A member of a force or of a civilian component, or a dependent may, with the approval of the authorities of a force, apply for a German driving licence empowering the holder to operate private motor vehicles. Such licences shall be issued by the competent German authorities in accordance with applicable German regulations.

(b) Driver instruction for persons seeking a licence under this paragraph may take place in driving schools operated by the force, provided that the instructors in such schools have professional qualifications in accordance with the regulations of the sending State concerned. Instructors shall possess a certificate issued by the authorities of the force, together with a German translation, allowing them to instruct learner drivers; they shall carry this certificate with them while instructing. Persons who have not been trained as driving instructors may not be engaged in that capacity in a driving school of the force.

(c) The content of written and practical driving tests given to persons seeking a driving licence under this paragraph shall be determined by the German authorities after consultation with the authorities of the force. The German authorities shall have the right, after consultation with the authorities of the force, to ensure that the tests are properly administered.

(d) Persons who, on the date the Agreement of 18 March 1993 to amend the present Agreement entered into force, had started driving instruction in accordance with paragraph 3 of Article 9 as in force immediately prior to that date, or who at the conclusion of their training had not taken a driving test, may continue to be instructed and tested in accordance with the former provisions; they may be issued driving licences in accordance with those provisions.”

3. Paragraph 5, sub-paragraph (b) shall be replaced as follows:

“(b) Only certificates of qualification issued by the competent German civilian authority on the basis of the regulations applicable in the Federal Republic shall be valid for the operation of non-service inland watercraft of the force. Regulations applicable within the scope of international agreements shall remain unaffected.”

4. The first sentence of paragraph 6, sub-paragraph (a) shall be replaced as follows:

“(a) The authorities of a force shall withdraw driving licences valid in the Federal territory in accordance with paragraph 1 of this Article or certificates mentioned in paragraph 2 of this Article, if there is reasonable doubt concerning the holder’s reliability or fitness to operate a motor vehicle.”

5. Paragraph 6, sub-paragraph (b) shall be replaced as follows:

“(b) In cases where German courts exercise jurisdiction in accordance with 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 the second sentence of paragraph 1 of this Article, to the extent that they apply to the right to operate private motor vehicles, and to the licences referred to in the third sentence of paragraph 1 and in paragraph 2 of this Article. Withdrawal of permission to drive shall be recorded in the driving licence, which shall remain in the possession of the holder.”

6. Following paragraph 6, sub-paragraph (b), the following new sub-paragraph (c) shall be added:

“(c) Sub paragraphs (a) and (b) shall apply *mutatis mutandis* to the driving licences issued under paragraph 3 of the version of this Article that was in force until the date of the Agreement of 18 March 1993 to amend the present Agreement entered into force.”

7. Paragraph 7 shall be replaced as follows:

“7. (a) Sub-paragraph (a) of paragraph 6 of this Article shall apply *mutatis mutandis* to the pilot’s licences referred to in paragraph 4.

(b) At the request of the German authorities, the authorities of the force shall take such action as may be necessary vis-a-vis holders of the pilot’s licences valid in the Federal territory in accordance with paragraph 1 of this Article who fail to observe air traffic rules.”

ARTICLE 4

Article 10 of the Supplementary Agreement shall be amended as follows:

Following paragraph 1, the following new paragraphs shall be added:

“*1bis.* In individual cases, the competent German Authorities may in addition authorise German licence plates for specific vehicles. Paragraph 1 of Article 11 of the present Agreement shall remain unaffected. In the cases referred to in the first sentence of paragraph 2 of Article 11, the guarantee provided by the insurer or by the association of insurers must also extend to damage incurred in states or territories which vehicles provided with official German licence plates may enter without verification of insurance cover (cases of damage within the meaning of paragraph 2 of Article 2 of Directive 72/166/EEC of 24 April 1972 as amended). A special certificate shall be issued or an entry made in the registration document concerning the right to carry the German licence plate. Further details shall be agreed between the German authorities and the authorities of the force.

1ter. The German authorities may require that registration in accordance with paragraphs 1 and *1bis* of this Article be notified by the authorities of the force to the competent German authorities for their records. Further details, in particular which registration data will be notified, shall be agreed between the German authorities and the authorities of the force.

1quater. Motor vehicles and trailers registered and licensed in accordance with paragraph 1 of this Article, or used by a force in the Federal territory, shall be subject at regular intervals to a technical inspection. The German authorities may require that German inspectors verify whether stations or workshops of the sending States, which carry out technical inspections of private motor vehicles and trailers, are qualified to conduct such inspections. In addition, they may inspect those vehicles there with respect to their roadworthiness. These provisions are without prejudice to the possibility of having vehicles examined or inspected in German inspection facilities in accordance with German regulations.”

ARTICLE 5

Article 12 of the Supplementary Agreement shall be amended as follows:

Paragraph 4 shall be replaced as follows:

“4. The authorities of the force shall issue firearms certificates only to persons as to whose reliability there is no reasonable doubt. They shall withdraw a firearms certificate at the request of the German authorities or on their own decision if it is established that the holder has misused his firearm or if reasonable doubt arises as to his reliability.”

ARTICLE 6

Article 16 of the Supplementary Agreement shall be amended as follows:

Paragraph 1 shall be replaced as follows:

“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; in the case of autopsies carried out for medical reasons this shall only apply insofar as such an autopsy is admissible under the law of the sending State. A German medical officer of the court (Gerichtsarzt) or a public health officer (Amtsarzt) may be present during the autopsy. In the case of an autopsy for the purposes of a German criminal investigation this right shall extend to a German judge or public prosecutor, whose advice concerning the requirements of German criminal procedure in the case of autopsies shall be taken into consideration. In cases where a German court or authority is competent to order an autopsy, the second, third, and fourth sentences of this paragraph shall apply *mutatis mutandis* if the military authorities of a sending State have an interest in the results of such an autopsy.”

ARTICLE 7

Following Article 18 of the Supplementary Agreement, the following new Article 18A shall be added:

“ARTICLE 18A

1. The authorities of a sending State shall notify the competent German authorities without delay in the event that they decide, in exercising jurisdiction under Article VII of the NATO Status of Forces Agreement, to undertake a prosecution which may lead to the imposition of the death penalty.
2. Taking into consideration the provisions of German law, the authorities of a sending State shall not carry out a death penalty in the Federal Republic nor carry through a prosecution which may lead to the imposition of such a sentence in the Federal Republic.”

ARTICLE 8

The Protocol of Signature to the Supplementary Agreement shall be amended by adding the following new Section:

“Re Article 18A

1. In cases arising under paragraph 1 of Article 18A, German authorities shall provide assistance if required by German statutory law or by treaty obligations accepted by the Federal Republic.
2. In extraordinary circumstances, such as in the case of the imminent threat of armed conflict, the authorities of a sending State and the competent German authorities may conclude arrangements to take account of such circumstances.”

ARTICLE 9

Article 19 of the Supplementary Agreement shall be amended as follows:

1. The following new sentence shall be added to the end of paragraph 1:

“The waiver granted under this paragraph shall not extend to cases notified under paragraph 1 of Article 18A of the present Agreement.”

2. The following new sentence shall be added to the end of paragraph 2:

“Without prejudice to any other notification requirements under either the NATO Status of Forces Agreement or the present Agreement, the military authorities of the sending State shall notify the competent German authorities when they intend to exercise the primary right of jurisdiction granted under sub-paragraph (a) of paragraph 3 of Article

VII of the NATO Status of Forces Agreement with respect to individual offences referred to in sub-paragraph (a) of paragraph 2 of the Section of the Protocol of Signature referring to this Article.”

3. Paragraph 3 shall be replaced as follows:

“3. Where the competent German authorities hold the view that 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 or civil authorities within a period of twenty-one days after receipt of the notification envisaged in paragraph 2 of this Article or any shorter period which may be provided in arrangements made under paragraph 7 of this Article. The German authorities may also submit the statement prior to receipt of such notification.”

4. Paragraph 6 shall be replaced as follows:

“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 a liaison agency established or designated by each of the sending States.

(b) German courts or authorities may request the liaison agency to ensure service of documents in criminal proceedings on members of a force, of a civilian component, or on dependents. The provisions of sub-paragraph (b) of paragraph 1 of Article 32 of the present Agreement shall apply *mutatis mutandis* to this paragraph.”

ARTICLE 10

The Protocol of Signature re Article 19 to the Supplementary Agreement shall be amended as follows:

Paragraph 2, sub-paragraph (a) shall be replaced as follows:

“(a) 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 Higher Regional Courts (Oberlandesgericht) in first instance or offences which may be prosecuted by the Chief Federal Prosecutor (Generalbundesanwalt) at the Federal High Court of Justice (Bundesgerichtshof);
- (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.”

ARTICLE 11

Article 27 of the Supplementary Agreement shall be deleted.

ARTICLE 12

Article 28 of the Supplementary Agreement shall be amended as follows:

Before paragraph 1, the following new paragraph *primo* shall be added:

“*primo*. In accordance with the provisions of paragraph 4*bis* of the Section of the Protocol of Signature referring to Article 53 of the present Agreement, and without prejudice to the provisions of sub-paragraph (a) of paragraph 10 of Article VII of the NATO Status of Forces Agreement, German police may exercise their authority within accommodation made available to a force or a civilian component for its exclusive use to

the extent that the public order and safety of the Federal Republic are jeopardized or violated. Where a criminal prosecution measure (Strafverfolgungsmassnahme) is to be carried out within such accommodation, the sending State, following consultation with the German authorities concerning the modalities, may also have the measure carried out by its own police. In this case, the measure shall be carried out without delay and, where desired by the German side, in the presence of representatives of German authorities.”

ARTICLE 13

Article 31 of the Supplementary Agreement shall be replaced as follows:

“ARTICLE 31

With respect to 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 this field 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 14

Article 32 of the Supplementary Agreement shall be amended as follows:

1. Paragraph 1, sub-paragraph (a) shall be replaced as follows:

“(a) The German courts or authorities may request a liaison agency established or designated by each of the sending States to ensure service of documents arising in non-criminal proceedings upon members of a force, of a civilian component, or on dependents.”

2. Paragraph 1, sub-paragraph (c), items (i) and (ii) shall be replaced as follows:

“(i) Where service cannot be effected, the liaison agency shall notify the German court or authority in writing of the reasons therefor and, if possible, of the date on which service can be effected. Service shall be deemed to have been effected if, upon the expiry of a period of twenty-one days from the date 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 sub-paragraph (b) of this paragraph nor any communication stating that it has not been possible to effect service.

(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 that it has not been possible to effect service.”

3. Following paragraph 1, sub-paragraph (c), item (ii), the following new item (*iibis*) shall be added:

“(iibis) If the person to be served has permanently left the Federal Republic, the liaison agency shall notify the German court or authority immediately of this fact and, taking into account the provisions of paragraph 3 of Article 3 of the present Agreement, shall render the German court or authority all assistance in its power.”

4. Paragraph 2 shall be replaced as follows:

“2. When a German process server (deutscher Zusteller) serves directly a plaint or other document or court order initiating non-criminal proceedings before a German court or authority, the German court or authority shall so notify the liaison agency in writing prior to or immediately upon the service of process. The contents of the written notification shall be in accordance with Section 205 of the Code of Civil Procedure (Zivilprozessordnung) and, in case of dependents, to the extent permitted by law.”

5. Following paragraph 2, the following new paragraph 3 shall be added:

“3. Where a German court or authority serves a judgment or a document in appellate proceedings (Rechtsmittelschrift), the liaison agency shall, upon special or general request of the sending State concerned, be notified thereof immediately to the extent permitted by law except where the liaison agency itself is requested to effect such service, or where the addressee or another party to the proceedings objects. The German court or authority shall inform the liaison agency of any objection.”

ARTICLE 15

Article 33 of the Supplementary Agreement shall be replaced as follows:

“ARTICLE 33

If members of a force, of a civilian component, or dependents are temporarily prevented from attending non-criminal proceedings to which they are parties and if the competent German court or authority is so notified without undue delay, due account shall be taken thereof in order that they shall suffer no legal prejudice to their interests. Such notification may also be given by the liaison agency.”

ARTICLE 16

Article 34 of the Supplementary Agreement shall be amended as follows:

1. Paragraph 2 shall be replaced as follows:

“2. (a) A member of a force or of a civilian component or a dependent may be deprived of his personal liberty by a German authority or court in non-criminal proceedings only to punish contempt of court or to secure compliance with a judicial or administrative decision or order that he culpably has failed or fails to obey. Deprivation of liberty shall not be authorised in respect of an act or omission done in the performance of official duty. A certificate by the highest appropriate authority of the sending State stating that the act or omission concerned was done in the performance of official duty shall be binding on German agencies. In other cases the German agencies shall give due consideration to representations of the highest appropriate authority of the sending State that compelling interests contravene such deprivation of liberty.

(b) A deprivation of liberty pursuant to this paragraph may take place only after the military authorities have arranged, if they find it necessary, for the replacement of the individual concerned. The military authorities shall take all necessary and reasonably acceptable measures to this end without delay, and render all assistance within their power to the German authorities responsible for enforcing an order or decision in accordance with this paragraph.

(c) When a deprivation of liberty in accordance with this paragraph is to take place within accommodation made available for the exclusive use of the force or of the civilian component, the sending State, following consultation with the German court or authority concerning the modalities, may also have the measure carried out by its own police. In this case the deprivation of liberty shall take place without delay, and, to the extent desired by the German side, in the presence of representatives of the German court or authority.”

2. Paragraph 3 shall be replaced as follows:

“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 to the extent permitted by the law applicable in the territory of the sending State. Assistance under paragraph 1 of this Article shall also include providing information on possible execution against pay already disbursed.”

ARTICLE 17

Article 35 of the Supplementary Agreement shall be amended as follows:

Sub-paragraph (b) shall be replaced as follows:

- “(b)(i) Where such a payment is not made through a German authority, the authorities of the force or of the civilian component, unless prohibited by the law of the sending State, shall upon request by an enforcing agency 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 of 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 prohibits the payment referred to 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 or settlement in question.”

ARTICLE 18

Article 36 of the Supplementary Agreement shall be amended as follows:

Paragraph 1 shall be replaced as follows:

- “1. Service of documents upon members of a force or of a civilian component or on dependents by publication shall, in addition, be effected by publication of an extract from the document to be served in a journal to be named by, and in the language of, the sending State, or if the sending State so decides, by posting in the appropriate liaison office.”

ARTICLE 19

Article 37 of the Supplementary Agreement shall be amended as follows:

Paragraph 1 shall be replaced as follows:

- “1. Where a member of a force or of a civilian component or a dependent is summoned to appear before a German court or authority, the military authorities, unless military exigency requires otherwise, shall take all measures within their authority to secure his attendance provided such attendance is compulsory under German law. If the summons is not served through the liaison agency, the latter shall be informed immediately of the summons by the German court or authority, which shall give the name of the addressee and his address, as well as the time and place of the hearing or taking of evidence; this does not apply in the case of dependents if the military authorities cannot give effective support to German authorities to secure attendance.”

ARTICLE 20

Article 39 of the Supplementary Agreement shall be replaced as follows:

“ARTICLE 39

Privileges and immunities of witnesses, injured persons 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, injured persons and experts, if they are a member of a force or of a civilian component or dependents, would have before a court of a sending State or, if they do not belong to these categories of persons, would have before a German court.”

ARTICLE 21

Article 42 of the Supplementary Agreement shall be deleted.

ARTICLE 22

Article 45 of the Supplementary Agreement shall be amended as follows:

1. Paragraph 1 shall be replaced as follows:

“1. Insofar as a force is not able to carry out its training programme on the accommodation made available for its exclusive use without impairing the purposes of such training, it shall on the basis of this Article, subject to the approval of the Federal Minister of Defence, have the right to conduct manoeuvres and other training exercises outside such accommodation in such measure as is necessary to the accomplishment of its defence mission. The decision of the Federal Minister of Defence shall be made after giving due consideration to all aspects arising from multilateral or bilateral agreements to which the Federal Republic and one or more of the sending States are party, including training requirements laid down by the Supreme Allied Commander in Europe, other North Atlantic Treaty Organization authorities, or by competent European authorities. The conduct of or participation in manoeuvres and other training exercises in accordance with this Article by elements of the force which come to the Federal Republic for this purpose shall require the approval of the competent German authorities. The procedures for notification, co-ordination and authorisation of manoeuvres and other training exercises shall be regulated in a separate agreement.”

2. Paragraph 2 shall be replaced as follows:

“2. The conduct of manoeuvres and other training exercises, in accordance with paragraph 1 of this Article, shall be governed by the relevant provisions of German law, in particular the Federal Requisitioning Law of September 27, 1961, as amended. The German military authorities, upon the request of the authorities of a force, shall provide or arrange to provide information about these provisions. The competent German authorities shall discuss with the authorities of the sending States in good time prospective fundamental amendments to provisions of German law that may substantially impair the conduct of manoeuvres and other training exercises.”

3. Paragraphs 3 to 7 shall be deleted.

ARTICLE 23

Article 46 of the Supplementary Agreement shall be amended as follows:

1. Paragraph 1 shall be replaced as follows:

“1. A force shall have, on the basis of this Article, subject to the approval of the competent German authorities, the right to conduct manoeuvres and other training exercises in the air space of the Federal Republic in such measure as is necessary to the accomplishment of its defence mission. The decision of the competent German authorities shall be made after giving due consideration to all aspects arising from multilateral or bilateral agreements to which the Federal Republic and one or more of the sending States are party, including training requirements laid down by the Supreme Allied Commander in Europe, or other North Atlantic Treaty Organization authorities or by competent European authorities.”

2. Paragraph 2 shall be replaced as follows:

“2. The conduct of manoeuvres and other training exercises, in accordance with paragraph 1 of this Article, shall be governed by German regulations on the entry into and use of German 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, as well as applicable notification, approval and co-ordination procedures contained in relevant laws, regulations and publications. The competent German

authorities shall discuss with the authorities of the sending States in good time prospective amendments to German regulations or administrative provisions concerning the entry into and use of German air space and the utilization of aviation installations and facilities. The Contracting Parties shall make use of competent organizations in this field to discuss such amendments.”

3. Paragraphs 3 to 5 shall be deleted.

ARTICLE 24

The Protocol of Signature to the Supplementary Agreement shall be amended by adding the following new Section:

“Re Article 46

1. German regulations on the entry into and use of German air space and the utilization of aviation installations and facilities as well as applicable notification, approval, and co-ordination procedures contained in relevant laws, regulations and publications include the Air Traffic Law (Luftverkehrsgesetz) in its then-current version and regulations, civilian and military administrative rules and procedures issued thereunder, as well as pertinent procedures and national regulations published in the AFCENT LOW FLYING HANDBOOK or any successor publication. Beside the provisions of Article 46, agreements, and any future amendments thereto, governing the conduct of manoeuvres and other training exercises in German air space which the Federal Republic and one or more sending States have concluded, or will conclude, shall apply until replaced or terminated.

2. The competent organizations referred to in paragraph 2 of Article 46 include the AFCENT Low Flying Working Group or any successor organization.”

ARTICLE 25

Article 47 of the Supplementary Agreement shall be amended as follows:

Paragraph 3 shall be replaced as follows:

“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. The execution of transport services shall be governed by Article 57 of the present Agreement.”

ARTICLE 26

Article 49 of the Supplementary Agreement shall be amended as follows:

1. Paragraph 1 shall be replaced as follows:

“1. The programmes of construction projects necessary to cover the requirements of a force or of a civilian component shall be transmitted to the German authorities competent for Federal building by the authorities of the force or of the civilian component.”

2. Paragraph 2 shall be replaced as follows:

“2. Construction works shall 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. Paragraph 3 shall be replaced as follows:

“3. Notwithstanding the provisions of paragraph 2 of this Article, the authorities of a force or of a civilian component may carry out, in accordance with special administrative agreements existing on the entry into force of the present Agreement or which are concluded or amended thereafter, in consultation with the German authorities

- (a) repairs and maintenance work,
- (b) construction works which require special security measures,
- (c) very minor construction works;

and, in agreement with the German authorities

- (d) minor construction works,
- (e) exceptionally, construction works in other cases

with their own personnel or by placing contracts direct with contractors. In carrying out such works, the authorities of the force or of the civilian component shall respect German building and environmental regulations and shall ensure, in co-operation with the German authorities referred to in paragraph 2 of this Article, that the necessary permissions are obtained. Furthermore they shall take into consideration the principles applying in the Federal Republic regarding public construction.”

4. Paragraph 4 shall be deleted.

5. Paragraph 5 shall be replaced as follows:

“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 paragraph 3 of this Article.”

6. The introduction to paragraph 6 and sub-paragraph (b) thereof shall be replaced as follows:

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

- (b) the method of award of the contract 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;”

ARTICLE 27

Article 53 of the Supplementary Agreement shall be amended as follows:

1. Paragraph 1 shall be replaced as follows:

“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. German law shall apply to the use of such accommodation except as provided in the present Agreement and other international agreements, and as regards the organization, internal functioning and management of the force and its civilian component, the members thereof and their dependents, and other internal matters which have no foreseeable effect on the rights of third parties or on adjoining communities or the general public. The competent German authorities and the authorities of a force shall consult and co-operate to reconcile any differences that may arise.”

2. Following paragraph 2, the following new paragraph *2bis* shall be added:

“*2bis*. The use of major training areas, local training areas and local firing ranges by units brought to the Federal Republic for exercise and training purposes shall be subject to prior notification to the competent German authorities for approval. Such use shall be deemed approved unless the German authorities object within 45 days of receiving notification. However, notification alone shall suffice for units of the forces of a notifying State of up to 200 personnel which belong organically to a unit stationed in the Federal Republic, or which are intended for reinforcement of units stationed in the Federal Republic. For purposes of this Article, notice given to German authorities during scheduling conferences shall suffice. Additional agreements may be concluded.”

3. Following paragraph 2*bis*, the following new paragraph 2*ter* shall be added:

“2*ter*. Details of the use of major training areas, air-to-ground weapons ranges, local training areas and local firing ranges, as well as the notification and approval set out in paragraph 2*bis*, shall be covered by administrative agreements to be reached at the national level.”

ARTICLE 28

The Protocol of Signature re Article 53 to the Supplementary Agreement shall be amended as follows:

1. Following paragraph 1, the following new paragraph 1*bis* shall be added:

“1*bis*. Measures necessary to meet national training standards of a force shall be among the measures referred to in the first sentence of paragraph 1 of Article 53.”

2. Following paragraph 4, the following new paragraph 4*bis* shall be added:

“4*bis*. (a) The authorities of a force shall give the competent German authorities at federal, Land and local level all reasonable assistance necessary to safeguard German interests, including access to accommodation after prior notification, so that they can fulfil their official duties. The German Federal authorities responsible for the accommodation shall assist the authorities of the force on request. In emergencies and where there is danger in delay, the authorities of the force shall make immediate access possible without prior notification. The authorities of the force shall decide in each case whether they will accompany the German authorities.

(b) In all cases access shall be subject to considerations of military security, in particular of the inviolability of classified areas, equipment and documents.

(c) The authorities of the force and the German authorities shall arrange access in such a way that neither the safeguarding of German interests nor military exercises which are in progress or about to start are unreasonably prejudiced.

(d) Should there be no agreement in the cases of sub-paragraphs (a) to (c) of this paragraph, the competent higher authorities on both sides shall be seized of the matter.”

3. The introduction to paragraph 5 and sub-paragraphs (c) and (g) thereof shall be replaced as follows:

“5. Co-operation between the authorities of a force and the German authorities in accordance with Article 53, and, if appropriate, in conjunction with Article 53A, shall extend in particular to the following fields:

(c) public safety and order, including fire precautions (fire protection and assistance), disaster control, industrial safety (Arbeitsschutz), prevention of accidents and safety measures, such as those pertaining to rifle ranges, ammunition depots, fuel depots and dangerous plant;

(g) property restrictions, protection of neighbouring property, town and country planning, protection of monuments and sanctuaries, and environmental protection, including any identification and evaluation of sites rendered hazardous by soil contamination.”

4. Paragraph 6 shall be replaced as follows:

“6. Co-operation between the authorities of a force and the Federal authorities responsible for the administration of accommodation shall be carried out in accordance with the following procedures:

(a) The authorities of the force and the German authorities shall each designate representatives for a unit or units of accommodation. These representatives shall co-operate concerning the administration of accommodation to ensure that due

consideration is given to the interests of the force and to German interests. The competencies of German technical authorities, particularly under paragraph 4*bis* of this Section, shall remain unaffected.

- (b) The military commander responsible for the accommodation or other appropriate authority of the force shall give, in accordance with paragraph 4*bis* of this Section, the German representatives all reasonable assistance.
- (c) Notwithstanding the provisions of sub-paragraphs (a) and (b) of this paragraph, the following procedures shall apply:
 - (i) The property list 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) For co-operation in the field of safety measures in respect of rifle ranges, ammunition depots and fuel depots, joint commissions may be established. Details shall be laid down in administrative agreements.”

ARTICLE 29

Following Article 53 of the Supplementary Agreement, the following new Article 53A shall be added:

“ARTICLE 53A

1. Where German law applies in connection with the use of accommodation covered by Article 53 of the present Agreement, and requires that a special permit, licence or other form of official permission be obtained, the German authorities shall, in co-operation with the authorities of a force and following consultation with them, submit the necessary applications and undertake the relevant administrative and legal procedures for the force.
2. The provisions of paragraph 1 of this Article shall also apply when the decision is contested by a third party, when measures or facilities are notifiable, and in cases where the proceedings are instituted *ex officio*, in particular to safeguard public safety and order, or at the instigation of a third party. In these instances German Federal authorities acting for the force shall defend the interests of the force. If a permission applied for under paragraph 1 of this Article is denied or is subsequently modified or rendered invalid in conformity with German law, the authorities of the force and the German authorities shall consult to develop alternative means of meeting the needs of the force consistent with the requirements of German law.
3. The authorities of the force shall act in strict conformity with the terms and requirements of a legally effective decision taken in accordance with paragraphs 1 and 2 of this Article. They shall co-operate closely with German authorities to ensure that this obligation is fulfilled. Such a decision shall not be subject to enforcement.”

ARTICLE 30

Article 54 of the Supplementary Agreement shall be amended as follows:

Paragraph 1 shall be replaced as follows:

- “1. Except as otherwise provided in this paragraph, the German regulations and procedures 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. A force may apply its own regulations and procedures in the fields referred to in the preceding sentence within accommodation made available for its use as well as to its members, members of its civilian component and dependents provided that neither public health (Oeffentliche Gesundheit) nor the cultivation of plants is endangered thereby.”

ARTICLE 31

Following Article 54 of the Supplementary Agreement, the following new Article 54A shall be added:

“ARTICLE 54A

1. The sending States recognize and acknowledge the importance of environmental protection in the context of all the activities of their forces within the Federal Republic.
2. Without prejudice to the respect for and application of German law pursuant to the present Agreement, the authorities of a force and of a civilian component shall examine as early as possible the environmental compatibility of all projects. In this context they shall identify, analyse and evaluate potential effects of environmentally significant projects on persons, animals, plants, soil, water, air, climate and landscape, including interactions among them, as well as on cultural and other property. The objective of the examination shall be to avoid environmental burdens and, where detrimental effects are unavoidable, to offset them by taking appropriate restorative or balancing measures. In this connection, the authorities of a force and of a civilian component may call upon the assistance of German civil and military authorities.”

ARTICLE 32

Before Article 55 of the Supplementary Agreement the following new Article 54B shall be added:

“ARTICLE 54B

The authorities of a force and of a civilian component shall ensure that only fuels, lubricants and additives that are low-pollutant in accordance with German environmental regulations are used in the operation of aircraft, vessels and motor vehicles, insofar as such use is compatible with the technical requirements of such aircraft, vessels and motor vehicles. They shall further ensure that, with respect to passenger and utility motor vehicles, especially in the case of new vehicles, the German rules and regulations for the limitation of noise and exhaust gas emissions shall be observed to the extent this is not excessively burdensome. The competent German authorities and the authorities of the force and of the civilian component shall consult and co-operate closely in the application and supervision of these provisions.”

ARTICLE 33

Article 56 of the Supplementary Agreement shall be amended as follows:

1. Paragraph 1, sub-paragraph (a) shall be replaced as follows:
“(a) German labour law, including industrial safety law (Arbeitsschutzrecht), as applicable to civilian employees working with the German Armed Forces, with the exception of decrees regulating working conditions (Dienstordnungen), shop agreements (Dienstvereinbarungen) and tariff regulations, shall apply to employment of civilian labour with a force or a civilian component except as otherwise provided in this Article and the Section of the Protocol of Signature referring to this Article.”
2. Paragraph 1, sub-paragraph (c) shall be deleted.
3. Paragraph 1, sub-paragraph (e) shall be deleted.
4. Paragraph 2, sub-paragraph (a) shall be replaced as follows:
“(a) The second sentence of paragraph 1 of Section 9 of the Dismissal Protection Law (Kündigungsschutzgesetz) shall apply provided that the employer’s application may also be based on the ground that the continuation of employment is precluded by

military interests particularly worthy of special protection. The highest service authority may establish credibility (Glaubhaftmachung) for military interests which are particularly worthy of protection; in this case the proceedings before the court shall be held *in camera*. Where the disclosure of reasons might cause a danger of serious detriment to the security of the sending State or of its force, the highest service authority of the force, in concert with the Chief of the Federal Chancellery (Chef des Bundeskanzleramts), may establish credibility by means of a formal declaration.”

5. Paragraph 6 shall be replaced as follows:

“6. The authorities of a force or of a civilian component shall, in respect of the employment of labour, including members of civilian service organizations, have the right of engagement, placement, training, transfer, dismissal and acceptance of resignations.”

6. Paragraph 7, sub-paragraph (a) shall be replaced as follows:

“(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 classified by the authorities of the force or of the civilian component into the appropriate wage or salary groups.”

7. Paragraph 7, sub-paragraph (b) shall be deleted.

8. Paragraph 10 shall be replaced as follows:

“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 actual costs of such administrative work shall be reimbursed by the force. The procedures therefor shall be regulated by separate agreements between the German authorities and the authorities of each force. In consultation with the appropriate authorities of the force, the German authorities shall adhere to the principles of economic efficiency in carrying out the administrative work.”

ARTICLE 34

The Protocol of Signature to the Supplementary Agreement shall be amended by adding the following new Section:

“Re Article 56, paragraph 1

1. The application of industrial safety provisions by the force and the civilian component shall be governed by:

- (a) paragraphs 3 and 4 of Article 53 as well as paragraphs 5 and 6 of the Section of the Protocol of Signature referring to Article 53, in particular in matters of co-operation;
- (b) paragraph 4bis of the Section of the Protocol of Signature referring to Article 53, in particular in matters of support, including access to accommodation; and
- (c) Article 53A, in particular in respect of administrative decisions.

2. To the extent that agencies designated by the Federal Minister of Defence perform the functions of industrial inspection agencies (Gewerbeaufsichtsämter) with regard to the German Armed Forces, those agencies, in co-operation with the authorities of the force and of the civilian component in accordance with paragraph 1 of this Section, shall also be competent for civilian labour with a force or a civilian component.

3. Exemptions applicable for facilities of the German Armed Forces shall also be applicable for facilities of a force or of a civilian component.

4. Facilities built or installed prior to the entry into force of the Agreement of 18 March 1993 to amend the present Agreement shall remain subject to the provisions applicable hitherto as regards technical requirements. This shall not apply where facilities undergo substantial modification, or where their use is changed significantly, or where, because of the nature of their operation, avoidable risks to the life or health of third parties, especially civilian labour, are to be anticipated.”

ARTICLE 35

The Protocol of Signature to the Supplementary Agreement shall be amended by adding the following new Section:

“Re Article 56, paragraph 3

Accident prevention regulations under German law shall be taken into account only to the extent that a force or civilian component has not issued corresponding accident prevention directives. When promulgating accident prevention directives, and with respect to other questions regarding accident prevention, the force or civilian component shall seek the advice of the competent German authorities. Where these authorities find that accident prevention directives appear to be inadequate, consultations in accordance with the third sentence of paragraph 1 of Article 53 shall take place.”

ARTICLE 36

The Protocol of Signature to the Supplementary Agreement shall be amended by adding the following new Section:

“Re Article 56, paragraph 5

The competence of German authorities to regulate payment procedures shall not preclude the conclusion of agreements between these authorities and the authorities of a force or of a civilian component, whereby the calculation and payment of the remuneration of civilian labour is performed by agencies other than German authorities.”

ARTICLE 37

The Protocol of Signature re Article 56, paragraph 9 to the Supplementary Agreement shall be amended as follows:

1. The following new sentence shall be added to the end of paragraph 1:

“Where decisions are taken at levels above the highest service authority, the force shall ensure that timely information is provided to the works council.”

2. Paragraph 5 shall be replaced as follows:

“5. The head of the agency shall not be required to submit to the members of the works council, to the committee referred to in Section 93 of the Law and to the conciliatory committee any material which is classified for security reasons; the same shall apply to information therefrom. In order to perform its duties the works council may be granted access to secure areas to the extent necessary. Insofar as the regulations of the highest service authority of the force relating to military security preclude or restrict such access, access shall be granted under the same conditions under which the civilian labour is allowed access.”

3. Paragraph 6 shall be replaced as follows:

- “6. (a) (i) Insofar as in individual cases the right of co-determination provided for in the Law is incompatible with military interests particularly worthy of protection, the extent of the right of co-determination may be restricted. The highest service authority shall communicate in writing the reasons for the restriction on the right of co-determination and shall specify the extent of such restriction. Where the disclosure of reasons would cause a danger of serious detriment to the security of the sending State or its force, the highest service authority may establish this by means of a formal declaration to be confirmed by the President of the Federal Labour Court.
- (ii) In cases where accommodation is returned to the Federal Government, the application of the right of co-determination shall not prevent the return of such accommodation on the projected date notified by the force to the appropriate German authorities. In such cases, the appropriate German authorities shall conclude special arrangements to take over accommodation, even if it has not been completely vacated.
- (iii) (aa) The right of co-determination provided for in the Law with respect to the establishment, management and dissolution of social facilities, regardless of their legal form, shall apply only to social facilities maintained exclusively for civilian labour.
- (bb) The right of co-determination provided for in the Law with respect to the layout of the workplace shall not apply where members of both the force or the civilian component and civilian labour are employed in the same facility or involved in the same programme, and the number of civilian labour involved does not predominate.
- (iv) Insofar as the contents of personnel questionnaires for salaried employees and workers concern questions of military security, the co-operation procedures shall apply instead of co-determination provided for in the Law.
- (v) The right of co-determination provided for in the Law with respect to assignments in accordance with Section 123a of the Civil Service Framework Law (Beamtenrechtsrahmengesetz) shall not apply.
- (vi) To the extent that matters are regulated by law or tariff agreement, or are usually regulated by agreement in accordance with sub-paragraph (a) of paragraph 5 of Article 56, they are not subject to co-determination.
- (vii) Co-determination shall not apply in respect to items 1 and 2 of paragraph 1 as well as item 13 of paragraph 3 of Section 75, and items 5 and 7 of paragraph 2 of Section 76 of the Law. This exclusion shall be reviewed immediately after 31 December 1994.
- (b) In those cases where the rights of co-determination are not applicable by virtue of sub-paragraph (a) above, the co-operation procedure shall apply.
- (c) The conciliatory committee envisaged in the co-determination procedure shall consist of two members, one to be appointed by the highest service authority and one by the appropriate works council of that authority, as well as an impartial chairman to be agreed upon by both sides. If no agreement can be reached on the chairman, the appointment shall be made by the Secretary-General of the North Atlantic Treaty Organization, unless the parties jointly request the President of the Federal Administrative Court or the Secretary-General of the Western European Union to make the appointment. The highest service authority may insist upon the members of the conciliatory committee being cleared to handle classified material. At the request of the force or works council concerned, in appropriate circumstances, standing or *ad hoc* conciliatory committees may be established.
- (d) The conciliatory committee shall decide by resolution (Beschluss). It may meet the requests of the parties concerned only in part. Resolutions shall be passed by majority vote. Conciliatory committee decisions shall be within the framework of legal provisions, including the budgetary laws and regulations of the sending State, binding upon the highest service authority of the force.”

4. Paragraph 7 shall be replaced as follows:

“7. The head of the agency shall submit administrative instructions to the works council for its co-operation in accordance with Section 78 of the Law prior to their being issued, except in circumstances in which paragraph 6 of Section 72 applies in conjunction with the fifth sentence of Section 69 of the Law.”

5. Paragraph 8 shall be deleted.

ARTICLE 38

Article 57 of the Supplementary Agreement shall be amended as follows:

1. Paragraph 1 shall be replaced as follows:

“1. (a) A force, a civilian component, their members and dependents shall, subject to the approval of the Federal Government, have the right to enter the Federal Republic or to move within and over the Federal territory in vehicles, vessels and aircraft; transports and other movements within the scope of German legal provisions, including the present Agreement and other international agreements to which the Federal Republic and one or more of the sending States are party, as well as related technical arrangements and procedures, shall be deemed to be approved. Insofar as special permits and exceptional permits as well as exemptions from legal provisions governing the transport of hazardous material are required for military movements and transports, they shall be obtained by the competent agencies of the German Armed Forces.

(b) The competent agencies of the German Armed Forces shall co-ordinate the representation of the military interests of the forces in traffic matters vis-a-vis civilian authorities. They shall also co-ordinate the execution of military traffic movements of the sending States with each other and with civilian traffic. The manner and extent of such co-ordination shall be arranged between the authorities of the forces and the German Armed Forces. Where such arrangements have not been concluded, the forces shall notify military movements by road and by rail to the competent agencies of the German Armed Forces. In respect of military air traffic, normal procedures shall apply.”

2. Paragraph 3 shall be replaced as follows:

“3. A force, a civilian component, their members and dependents shall, unless otherwise provided in the present Agreement, observe German traffic regulations, including regulations concerning behaviour at the scene of an accident, as well as regulations on the transport of hazardous material. Observance of such regulations shall be supervised by the competent authorities. In order to facilitate the control of the observance of these regulations, this supervision may be conducted jointly. The conduct of such supervision may be regulated by local arrangements. Existing arrangements shall continue to apply unless revised.”

3. Paragraph 4 shall be replaced as follows:

“4. (a) Deviations from German regulations governing conduct in road traffic shall be permitted to a force in accordance with German law. In the event of future changes in German laws or regulations concerning road traffic, deviations required by military exigency shall take place in accordance with procedures agreed between the authorities of a force and the competent German authorities.

(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 carried out only with the permission of the competent German authorities. In case of accidents, catastrophes, state of emergency or by prior agreement between the authorities concerned, permission of the competent German authorities is not necessary.”

4. Paragraph 5 shall be replaced as follows:

“5. The authorities of the sending State shall observe basic German transportation safety regulations. Within that framework, they may apply their own standards to the design, construction and equipment of vehicles, trailers, inland water vessels or aircraft. The German authorities and the authorities of the force shall consult closely on the implementation of this provision.”

5. Paragraph 7 shall be deleted.

ARTICLE 39

Article 60 of the Supplementary Agreement shall be amended as follows:

1. The introduction to paragraph 2 and sub-paragraphs (a) and (e) thereof shall be replaced as follows:

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

- (a) telecommunication facilities (except radio installations) within accommodation used by it;
- (e) temporary telecommunication facilities of any kind for training exercises, manoeuvres, and in cases of emergency, in accordance with procedures agreed upon with the German authorities.”

2. Paragraph 4, sub-paragraph (b) shall be deleted.

3. Paragraph 5, sub-paragraph (b) shall be replaced as follows:

“(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, provided no electromagnetic interference is caused to radio communication services.”

4. Paragraph 7 shall be replaced as follows:

“7. (a) Telecommunication facilities established by a force may be interconnected with the public telecommunication networks of the Federal Republic.

(b) Telecommunication facilities of the force for interconnection with the public telecommunication networks of the Federal Republic, as well as radio installations, shall meet the basic requirements laid down in German legal regulations. Existing special features shall be taken into consideration for a transitional period. The transitional period shall not be terminated without mutual agreement between the forces and the German authorities.

(c) Exceptions to the principle referred to in sub-paragraph (b) of this paragraph shall only be permissible

- (i) for telecommunication facilities already in the possession of the force or being procured upon entry into force of the Agreement of 18 March 1993 to amend the present Agreement, or
- (ii) on the basis of special agreements between the force and the Federal Minister of Posts and Telecommunications.

Any questions of liability arising as a result thereof shall be settled in conformity with the provisions of existing agreements.”

5. Paragraph 8, sub-paragraph (a) shall be replaced as follows:

“(a) In establishing and operating telecommunication facilities, a force shall observe the provisions of the International Telecommunication Convention, done at Nairobi on 6 November 1982, or of such other instrument as may replace it and any other international instruments in the field of telecommunications binding on the Federal Republic.”

6. Paragraph 10 shall be replaced as follows:

“10. At the request of a force, the Federal Minister of Posts and Telecommunications shall, within his sphere of responsibility, advocate the interests of the force in the interpretation and application of this Article.”

ARTICLE 40

The Protocol of Signature re Article 60 to the Supplementary Agreement shall be amended as follows:

1. Paragraph 1 shall be deleted.

2. Paragraph 3 shall be deleted.

3. Paragraph 5 shall be replaced as follows:

“5. (a) A force shall use only the frequencies assigned to it by the German authorities. 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 Federal authorities and the authorities of a force represented in the Consultative Working Group on Radio Frequencies (CWG) or its successor. Such agreement shall be in accordance with relevant North Atlantic Treaty Organization procedures, directives and recommendations.

(c) Measures for the protection of frequencies through the competent North Atlantic Treaty Organization authority shall be initiated by the force concerned in agreement with the Federal Minister of Defence. Measures for the protection of frequencies through other international organizations, especially through the International Telecommunication 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 by the German authorities 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.”

4. Paragraph 6 shall be deleted.

ARTICLE 41

The Protocol of Signature re Article 63 to the Supplementary Agreement shall be amended as follows:

1. Paragraph 8, sub-paragraph (a), items (ii) and (iv) shall be replaced as follows:

“(ii) disposal of sewage and waste;

(iv) chimney sweeping and measurements for reasons of emissions protection in conjunction with the operation of furnaces by the force;”

2. Following paragraph 8, the following new paragraph *8bis* shall be added:

“*8bis.* (a) Other operating costs within the meaning of sub-paragraph (d) of paragraph 4 of Article 63 include running costs of necessary measures within accommodation to prevent physical environmental damage.

(b) A force or a civilian component shall in accordance with this paragraph bear costs arising in connection with the assessment, evaluation and remedying of hazardous substance contamination caused by it and that exceeds then-applicable legal standards. These costs shall be determined pursuant to German law as applied in accordance with paragraph 1 of Article 53 or, where applicable, in accordance with Articles 41 or 52. The authorities of the force or of the civilian component shall pay these costs as expeditiously as feasible consistent with the availability of funds and the fiscal procedures of the Government of the sending State.

(c) In the event of differences over the applicability of this paragraph to particular costs, the authorities of the force or of the civilian component shall consult with the German authorities; if necessary, they may conclude separate agreements pursuant to paragraph 1 of this Section.”

ARTICLE 42

Article 67 of the Supplementary Agreement shall be amended as follows:

1. Paragraph 3, sub-paragraph (a), items (i) and (ii) shall be replaced as follows:

“(i) The tax relief provided under items (ii) and (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. The tax relief shall be taken into account in calculating prices.

(ii) Deliveries and services to a force or a civilian component shall be exempt from turnover tax. This tax exemption shall not apply to the sale of undeveloped and developed land as well as to the construction of buildings if such transactions are for the private requirements of members of the force, or the civilian component or of dependents.”

2. Paragraph 3, sub-paragraph (a), item (iii) shall be deleted.

3. Paragraph 3, subparagraph (a), item (iv) shall be replaced as follows:

“(iv) Goods delivered to a force or a civilian component from the free inland trade (zollrechtlich freier Verkehr) shall be granted tax relief provided by customs and excise legislation in the event of export.”

ARTICLE 43

Article 71 of the Supplementary Agreement shall be amended as follows:

Paragraph 3 shall be replaced as follows:

“3. In respect of their activities as non-commercial organizations, the organizations listed in paragraphs 2 and 3 of the Section of 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 and Gewerbe). The provisions of industrial safety law (Arbeitsschutzrecht) shall nevertheless apply subject to the Section of the Protocol of Signature referring to this Article.”

ARTICLE 44

The Protocol of Signature re Article 71 to the Supplementary Agreement shall be amended as follows:

Following paragraph 5, the following new paragraph 6 shall be added:

- “6. The application of industrial safety provisions shall be governed by:
- (a) paragraphs 3 and 4 of Article 53 as well as paragraphs 5 and 6 of the Section of the Protocol of Signature referring to Article 53, in particular in matters of co-operation;
 - (b) paragraph *4bis* of the Section of the Protocol of Signature referring to Article 53, in particular in matters of support, including access to accommodation; and
 - (c) Article 53A, in particular in respect of administrative decisions.”

ARTICLE 45

Article 72 of the Supplementary Agreement shall be amended as follows:

Paragraph 1, sub-paragraph (b) shall be replaced as follows:

- “(b) exemptions from German regulations governing the conduct of trade and business activities (Handel and Gewerbe), except industrial safety (Arbeitsschutz) regulations;”

ARTICLE 46

The Protocol of Signature re Article 72 to the Supplementary Agreement shall be amended as follows:

Following paragraph 2, the following new paragraph 3 shall be added:

- “3. Within the limits of their discretion (pflichtgemaesses Ermessen), the competent German authorities shall grant exceptions under the industrial safety provisions (in particular, under Section 3 of the Accident Prevention Regulation “General Regulations”) to such enterprises located within accommodation made available for the exclusive use of the force.”

ARTICLE 47

Article 76 of the Supplementary Agreement shall be deleted.

ARTICLE 48

Article 77 of the Supplementary Agreement shall be deleted.

ARTICLE 49

Article 79 of the Supplementary Agreement shall be deleted.

ARTICLE 50

Following Article 80 of the Supplementary Agreement, the following new Article 80A shall be added:

“ARTICLE 80A

1. Should a difference arise relating to the interpretation or application of the present Agreement, and unless a separate procedure is provided, the Parties directly concerned shall endeavour to settle the difference by consultations at the lowest appropriate level. A difference that cannot be resolved at that level may be referred to higher competent military or civil authorities for resolution.
2. (a) If the difference is not resolved in accordance with paragraph 1 within fifteen days, any Party directly concerned thereafter may request that a consultative Commission be established to recommend possible solutions to the Parties directly concerned. The consultative Commission shall be established and hold its first meeting not later than ten days following the request. The consultative Commission shall issue its final recommendations within sixty days following its first meeting.
(b) The consultative Commission shall consist of an appropriate number of members representing the Parties directly concerned. Where the Federal Republic is a party to the difference, it shall have the right to appoint as many members as are appointed by all other parties to the difference together. The consultative Commission may invite outside conciliators to advise the Commission. At the request of any of its members, the consultative Commission shall also seek the expert opinion of appropriate persons or organizations, such as the North Atlantic Treaty Organization, the Western European Union, or the Organization for Economic Co-operation and Development, whose opinion shall be provided and kept in confidence.
3. As its first order of business, the consultative Commission shall, if appropriate, recommend the adoption of interim measures to be taken by the Parties pending resolution of the difference. These interim measures shall be without prejudice to the respective positions of the Parties or to the ultimate resolution of the difference. If interim measures cannot be agreed by the consultative Commission within the prescribed time, the question of interim measures shall be referred to appropriate channels for resolution, at the ministerial level if necessary.
4. The final resolution recommended by the consultative Commission shall be implemented by the Parties directly concerned unless one or more of them object within fifteen days. In case of objection, or if the consultative Commission is unable to agree upon final recommendations within the prescribed time, the matter shall be referred to diplomatic channels for prompt resolution.
5. Pending final resolution of the difference, no Party shall take actions that would prejudice the essential interests of any other Party directly concerned, particularly those interests which may be put forward by the host country.”

ARTICLE 51

Article 81 of the Supplementary Agreement shall be replaced as follows:

“ARTICLE 81

Any stationing Party may, after consultation with the other Contracting Parties, withdraw from the present Agreement upon two years' written notice. The Federal Republic may, after consultation with the other Contracting Parties, terminate the present Agreement in respect of one or more Contracting Parties upon two years' written notice.”

ARTICLE 52

1. The present Agreement shall be subject to ratification or approval. Instruments of ratification or 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.

2. The present Agreement shall enter into force thirty days following the deposit of the last instrument of ratification or approval.

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

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

DONE at Bonn, this eighteenth day of March 1993, in a single original in the German, English and French languages, all texts being equally authentic.

Signatures and Ratifications

| <i>State</i> | <i>Date of Signature</i> | <i>Date of Deposit of Instrument of Ratification or Approval (AP)</i> |
|--------------------------|--------------------------|---|
| Belgium | 18 Mar 1993 | 27 Feb 1998 |
| Canada | 18 Mar 1993 | 29 Mar 1995 |
| France | 18 Mar 1993 | 27 May 1997 |
| Germany | 18 Mar 1993 | 20 Dec 1994 |
| Netherlands ¹ | 18 Mar 1993 | 08 Dec 1995 |
| United Kingdom | 18 Mar 1993 | 09 Feb 1995 |
| United States of America | 18 Mar 1993 | 08 May 1996 (AP) |

¹For the Kingdom in Europe.



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CORRECTION

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replace "September 1998" with "September 1999"

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