

## 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.