

#### Article 4

1. The German authorities shall keep the Canadian authorities fully informed and shall consult with them fully at all stages of the court proceedings and shall carry out any instructions given by the Canadian authorities in respect of their conduct and termination, settlement out of court, counter claims, consent to judgment, appeal and similar matters. The German authorities shall, if requested by the Canadian authorities, provide them with copies of all documents bearing on the court proceedings. The Canadian authorities shall forward to the German authorities in good time any data and documents necessary to the conduct of the court proceedings.

2. In the event of an emergency, the German authorities may take measures to safeguard the interests of Canada without the participation of the Canadian authorities, provided these authorities are fully informed as soon as possible thereafter of the measures taken.

#### Article 5

1. Canada shall meet all the obligations laid upon, and shall enjoy any benefits accruing to the Federal Republic of Germany, as a result of judgements, decisions, orders, and settlements *vollstreckbare Titel* in the court proceedings arising from disputes referred to in the present Agreement.

2. Costs arising in connection with court proceedings which are not included in the costs established by the court shall be paid by Canada if the Canadian authorities have given their agreement before the costs were incurred.

#### Article 6

1. Disputes to which the Deutsche Bundesbahn or the Deutsche Bundespost is a party shall be decided upon by a sole arbitrator who is selected in accordance with subparagraph (b) of paragraph 2 of Article VIII of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on 19 June 1951. Any decision taken by the arbitrator shall be binding and conclusive. The compensation of the arbitrator shall be fixed by agreement between the German and Canadian authorities and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by the Deutsche Bundesbahn or the Deutsche Bundespost and the Canadian authorities.

2. The decision of the arbitrator shall be based on the law which the parties have agreed upon at the time that the goods and services were ordered. If at the time of the order no agreement was made concerning the law to be applied, German law shall be applied.

#### Article 7

The present Agreement shall be applicable to any dispute not settled at the effective date of this Agreement.

#### Article 8

1. The present Agreement shall be ratified or approved. The instruments of ratification or approval shall be exchanged at Bonn.

2. The present Agreement shall enter into force on the same date as the Supplementary Agreement.