

ARTICLE 3

(1) The Federal Republic of Germany shall place at the disposal of the Commission the lands required for the permanent Commonwealth War Cemeteries, Graves and Memorials of the 1939-45 war for use by the Commission free of charge and in perpetuity for the purposes set forth in the present Agreement.

(2) The Federal Republic of Germany undertakes to invite the appropriate German authorities to grant free of cost the land required for Commonwealth 1939-45 War Graves situated in public cemeteries in the Federal Territory.

(3) In regard to the lands in use for the Commonwealth 1914-18 War Cemeteries, Graves and Memorials in the Territory of the Federal Republic of Germany the Federal Republic of Germany undertakes to maintain their present legal status.

ARTICLE 4

(1) The Commission may at its discretion transfer into Commonwealth War Cemeteries such Commonwealth War Graves as it may deem necessary, whether on account of the isolated position of any such graves or for any other reason.

(2) The Federal Republic of Germany shall arrange for the competent German authorities to grant the necessary permits for the exhumation and transport of the bodies to be so transferred.

(3) If, in order to group together any such graves as are referred to in paragraph (1) of this Article, the Commission shall recognise as necessary the creation of new Cemeteries, it shall submit its proposals to the Government of the Federal Republic of Germany. This Government will favourably consider whether steps can be taken for the acquisition of the land required for this purpose in accordance with the provisions of Article 3 of the present Agreement.

ARTICLE 5

(1) The Federal Republic of Germany recognises the right of the Commission at its own cost to ensure and provide for the lay-out, construction, maintenance and control of the Commonwealth 1939-45 War Cemeteries.

(2) The Commission is accordingly authorised to enclose such cemeteries, to lay them out and construct them on a system approved by the Commission, to erect in such Cemeteries sepulchral monuments or other structures, to make plantations in them, to enact regulations governing visits to such Cemeteries and to select persons to take charge of them who may be nationals of the Commonwealth Countries.

(3) Questions relative to the lay-out of Commonwealth 1939-45 War Graves situated in publicly or privately owned Cemeteries shall be decided by the Commission in agreement with the competent German authorities. If necessary, the Government of the Federal Republic of Germany will make available its good offices to the Commission for this purpose.

(4) The Commission may, in agreement with the competent German authorities, provide for the lay-out of Commonwealth 1939-45 War Graves situated in publicly-owned Cemeteries which also contain German or other military Graves. When the Commission considers it desirable that a common system of lay-out should be adopted for a mixed Cemetery, it shall submit its proposals to the competent German authority.