

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.