

5. Paragraphs 5 and 12 shall be deleted and paragraphs 6 to 11 inclusive, shall be renumbered as paragraphs 5 to 10 inclusive.

6. In paragraph 5, sentence 2, the words "highest authority" shall be replaced by the words "highest service authority".

7. Paragraph 6 shall read as follows:

(a) The rights of co-determination provided for in the Law shall be applicable with respect to:

the implementation of vocational training schemes established by the force concerned, and

the management of welfare facilities maintained exclusively for civilian labour.

They shall also be applicable with respect to:

the establishment of the beginning and end of daily work hours and breaks,

the determination of the time and place of payment of earnings, and

the drawing up of the leave plan,

to the extent that in a given case no compelling reasons exist making the exercise of those rights incompatible with the fulfilment of the defence responsibilities of the force; in the case of disagreement as to whether such reasons exist, the highest service authority shall decide on the matter and transmit a written statement of its decision to the chairman of the works council involved.

(b) In other cases of co-determination provided for in the Law as well as in those cases where the rights of co-determination are not applicable by virtue of the second sentence 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 Organisation. The highest service authority may insist upon the members of the conciliatory committee being cleared to handle classified material.

ARTICLE 3

1. The provisions applicable prior to the coming into force of this Agreement shall continue to apply to proceedings, instituted before the entry into force of this Agreement, to obtain protection against dismissal as well as to other actions for a declaratory judgment or for damages or specific performance arising out of the contract of employment.

2. The period of office of works councils existing at the date of entry into force of the present Agreement shall remain unaffected.

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