

person under notice. Upon service of the refusal, the contract of employment shall be deemed to be terminated. Continued employment shall not preclude the filing of an appeal against the court decision. If continued employment is refused, the period prescribed for filing an appeal against the amount of compensation awarded shall not begin until the refusal has been served on the person under notice.

- (b) The highest service authority within the meaning of this paragraph shall be the highest agency located in the Federal Republic of Germany that is administratively responsible for the employing agency of the person under notice.
- (c) This paragraph shall not apply to members of works councils (Betriebsvertretungen).

ARTICLE 2

The Protocol of Signature re Article 56, paragraph 9, to the Supplementary Agreement to the NATO Status of Forces Agreement shall be amended as follows:

1. Paragraph 1 shall read as follows:

The individual administrative units and establishments (Betriebe) of a force or of a civilian component as set up in the territory of the Federal Republic of Germany and defined by the force concerned shall be agencies within the meaning of the Personnel Representation Law (Personalvertretungsgesetz) of 5 August 1955 (Bundesgesetzblatt Teil I, page 477), referred to in this Section as "the Law". Those headquarters which are administratively immediately subordinate to the highest service authority of a force and to which other agencies are administratively subordinate shall be the intermediate authorities. The highest service authority shall be the headquarters of a force, designated by the sending State concerned, exercising final authority over matters that are subject to works council participation.

2. The first and second sentences of paragraph 2 shall be deleted; in the third sentence the words "of a district works council" shall be replaced by the words "of a works council above the local level (Stufenvertretung)".

3. The first sentence of paragraph 3 shall read as follows:

In discussions with the works council, the head of the agency may be represented by a person holding a responsible position in the management of the agency and authorized to negotiate with the works council to the same extent as the head of the agency.

The second and third sentences shall be deleted.

4. Paragraph 4 shall read as follows:

Application of those provisions of the Law which govern eligibility for works council office, and relate to length of employment with an agency, may be waived if so agreed by the majority of employees of a given agency and the head of such agency. Persons entitled to vote in works council elections, but not possessing the voting right for the German Bundestag for lack of German nationality, shall be eligible for works council office if they meet all other requirements and have been employed for three years by the same sending State in the territory of the Federal Republic of Germany.