

(iii) (aa) The right of co-determination provided for in the Law with respect to the establishment, management and dissolution of social facilities, regardless of their legal form, shall apply only to social facilities maintained exclusively for civilian labour.

(bb) The right of co-determination provided for in the Law with respect to the layout of the workplace shall not apply where members of both the force or the civilian component and civilian labour are employed in the same facility or involved in the same programme, and the number of civilian labour involved does not predominate.

(iv) Insofar as the contents of personnel questionnaires for salaried employees and workers concern questions of military security, the co-operation procedures shall apply instead of co-determination provided for in the Law.

(v) The right of co-determination provided for in the Law with respect to assignments in accordance with Section 123a of the Civil Service Framework Law (Beamtenrechtsrahmengesetz) shall not apply.

(vi) To the extent that matters are regulated by law or tariff agreement, or are usually regulated by agreement in accordance with sub-paragraph (a) of paragraph 5 of Article 56, they are not subject to co-determination:

(vii) Co-determination shall not apply in respect to items 1 and 2 of paragraph 1 as well as item 13 of paragraph 3 of Section 75, and items 5 and 7 of paragraph 2 of Section 76 of the Law. This exclusion shall be reviewed immediately after 31 December 1994.

(b) In those cases where the rights of co-determination are not applicable by virtue 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 Organization, unless the parties