

AGREEMENT TO AMEND THE AGREEMENT OF 3 AUGUST 1959⁽¹⁾ TO SUPPLEMENT THE AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY REGARDING THE STATUS OF THEIR FORCES WITH RESPECT TO FOREIGN FORCES STATIONED IN THE FEDERAL REPUBLIC OF GERMANY

THE KINGDOM OF BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, THE FRENCH REPUBLIC, CANADA, THE KINGDOM OF THE NETHERLANDS, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA;

Desiring to adapt Article 56 of the Agreement of 3 August 1959 to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany (hereinafter referred to as the "Supplementary Agreement to the NATO Status of Forces Agreement") and the provisions of the Protocol of Signature re Article 56, paragraph 9, to German law to the extent compatible with the special military requirements of the Allied Forces in the territory of the Federal Republic of Germany;

Have agreed as follows:

ARTICLE 1

Article 56 of the Supplementary Agreement to the NATO Status of Forces Agreement shall be amended as follows:

1. In paragraph 1 sub-paragraph (a) the words "and shop agreements (Dienstvereinbarungen)" shall be inserted after the words "decrees regulating working conditions (Dienstordnungen)".
2. Paragraph 2 shall read as follows:
 - (a) If a German Labour Court decides that the contract of employment has not come to an end by notice to terminate, and if during the Labour Court proceedings the employer has declared to the Court that continuation of employment is precluded by military interests particularly worthy of protection, the Court shall fix ex officio the compensation payable in the event that the continuation of the employment is refused. This procedure shall apply to proceedings to obtain protection against dismissal (Kündigungsschutzverfahren) as well as to other actions for a declaratory judgment (Feststellungsklage), or for damages or specific performance (Leistungsklage) arising out of the contract of employment. The amount of compensation shall be determined according to the provisions of German labour law. A refusal to continue employment may only be based on the ground that continuation of employment is precluded by military interests particularly worthy of protection. Such a refusal must be submitted in writing by the highest service authority to the Labour Court without delay, and in any case, not later than twenty-one days after service of the court decision. The refusal shall be served by the Court upon the

⁽¹⁾ Treaty Series 1963 No. 21