

**UNITED STATES OF AMERICA
and
FEDERAL REPUBLIC OF GERMANY**

**Agreements relating to the status of United States Forces
in the Federal Republic of Germany :**

- A. Agreement on the settlement of disputes arising out of direct procurement (with exchange of notes). Signed at Bonn, on 3 August 1959**
- B. Agreement on the status of persons on leave. Signed at Bonn, on 3 August 1959**
- C. Exchange of notes (with annexes) constituting an agreement relating to taxes and customs. Bonn and Bonn/Bad Godesberg, 3 August 1959**
- D. Exchange of notes (with annex) constituting an agreement relating to aerial photography. Bonn and Bonn/Bad Godesberg, 3 August 1959**
- E. Exchange of notes (with annex) constituting an agreement relating to the prevention of abuses. Bonn and Bonn/Bad Godesberg, 3 August 1959**
- F. Exchange of notes (with annexes) constituting an agreement relating to accommodation serving public transport and communications. Bonn and Bonn/Bad Godesberg, 3 August 1959**
- G. Exchange of notes (with annex) constituting an agreement relating to government corporations. Bonn and Bonn/Bad Godesberg, 3 August 1959**
- H. Exchange of notes (with annexes) constituting an agreement relating to maintenance claims. Bonn and Bonn/Bad Godesberg, 3 August 1959**
- I. Exchange of notes constituting an agreement relating to construction (Administrative agreements). Bonn and Bonn/Bad Godesberg, 3 August 1959**

Official texts: English and German.

Registered by the United States of America on 2 March 1964.

No. 7153. AGREEMENTS¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO THE STATUS OF UNITED STATES FORCES IN THE FEDERAL REPUBLIC OF GERMANY

[GERMAN TEXT — TEXTE ALLEMAND]

A. ABKOMMEN ZWISCHEN DER BUNDESREPUBLIK DEUTSCHLAND UND DEN VEREINIGTEN STAATEN VON AMERIKA ÜBER DIE BEILEGUNG VON STREITIGKEITEN BEI DIREKTBSCHAFUNGEN

A. AGREEMENT BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE UNITED STATES OF AMERICA ON THE SETTLEMENT OF DISPUTES ARISING OUT OF DIRECT PROCUREMENT. SIGNED AT BONN, ON 3 AUGUST 1959

DIE BUNDESREPUBLIK DEUTSCHLAND
und
DIE VEREINIGTEN STAATEN VON
AMERIKA

THE FEDERAL REPUBLIC OF GERMANY
and
THE UNITED STATES OF AMERICA,

Sind gemäß Artikel 44 Absatz (6) Buchstabe (b) des am 3. August 1959 in Bonn unterzeichneten Zusatzabkommens zu dem Abkommen zwischen den Parteien des Nordatlantikvertrages über die Rechtsstellung ihrer Truppen hinsichtlich der in der Bundesrepublik Deutschland stationierten ausländischen Truppen (im folgenden als Zusatzabkommen bezeichnet)

Pursuant to sub-paragraph (b) of paragraph 6 of Article 44 of the Agreement² to supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces³ with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on 3rd August 1959 (hereinafter referred to as the "Supplementary Agreement"),

¹ All Agreements published under No. 7153 (A to I), in accordance with their respective provisions, came into force on 1 July 1963, the date of the entry into force of the Agreement of 3 August 1959 supplementing the Agreement of 19 June 1951 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 (see United Nations, *Treaty Series*, Vol. 481, p. 262). The first two Agreements (A and B) were approved by the Government of the United States of America on 28 July 1961 and ratified by the Government of the Federal Republic of Germany on 4 June 1962, and the exchange of the instruments of approval and ratification took place at Bonn on 13 June 1962, in accordance with article 5 (1) of those Agreements.

² United Nations, *Treaty Series*, Vol. 481, p. 262.

³ United Nations, *Treaty Series*, Vol. 199, p. 67 ; Vol. 200, p. 340 ; Vol. 260, p. 452 ; Vol. 286, p. 380, and Vol. 481, p. 588.

Wie folgt übereingekommen :

Have agreed as follows :

Artikel 1

Streitigkeiten aus Lieferungen oder sonstigen Leistungen, die die Behörden der Streitkräfte der Vereinigten Staaten (im folgenden als Behörden der Streitkräfte bezeichnet) im Bundesgebiet unmittelbar beschaffen, werden gemäß diesem Abkommen beigelegt.

Article 1

Disputes arising out of direct procurement of goods or services in the Federal territory by the authorities of the forces of the United States (hereinafter referred to as "the authorities of the forces") shall be settled in accordance with the present Agreement.

Artikel 2

Die deutschen Behörden stellen den Behörden der Streitkräfte ihre guten Dienste zur Beilegung von Streitigkeiten, insbesondere durch vermittelnde oder gutachtliche Tätigkeit, jederzeit zur Verfügung.

Article 2

In the settlement of disputes the German authorities shall at all times make available to the authorities of the forces their good offices, particularly in a mediatory or advisory capacity.

Artikel 3

Streitigkeiten werden gemäß den Bestimmungen beigelegt, die in dem von den Vertragspartnern unterzeichneten Vertrag niedergelegt sind. Enthält der Vertrag keine solchen Bestimmungen, so sind — außer im Falle der Deutschen Bundesbahn und der Deutschen Bundespost, wofür besondere Vereinbarungen getroffen werden können — Klagen bei den deutschen Gerichten gegen die Bundesrepublik zu erheben, die den Rechtsstreit im Interesse der Vereinigten Staaten in ihrem eigenen Namen führt; Artikel 44 Absätze (2), (4) und (5) des Zusatzabkommens gelten entsprechend.

Article 3

Disputes shall be settled in accordance with the provisions specified in the contract signed by the contracting parties. Where the contract contains no provisions to this effect, complaints, except in the case of the German Federal Railways and the German Federal Post for which separate arrangements may be agreed, shall be lodged with the German courts against the Federal Republic which shall conduct the case in its own name in the interest of the United States; paragraphs 2, 4 and 5 of Article 44 of the Supplementary Agreement shall apply *mutatis mutandis*.

Artikel 4

(1) Entsteht eine Streitigkeit aus einem Vertrag, der Bestimmungen über ihre Beilegung enthält, so können die Vertragspartner beantragen, daß die

Article 4

1. Where a dispute arises out of a contract which contains provisions for the settlement thereof, the parties to the contract may request that the dispute

Streitigkeit einem Schlichtungsverfahren gemäß den Bestimmungen des Absatzes (2) dieses Artikels unterworfen wird. Wenn der vertragschließende Offizier (*contracting officer*) einen schriftlichen Bescheid erteilt hat, muß der Auftragnehmer einen Schlichtungsantrag innerhalb von 21 Tagen nach Empfang dieses Bescheides stellen. Der Auftragnehmer wird jedoch nicht der Notwendigkeit enthoben, das gegebenenfalls in dem Vertrag vorgesehene Beschwerdeverfahren einzuhalten.

(2) (a) Es wird ein Vertragsschlichtungsausschuß errichtet, der sich aus zwei von der Bundesregierung und aus zwei von den Behörden der Streitkräfte ernannten Vertretern zusammensetzt. Ein fünftes Mitglied kann gemeinsam von der Bundesregierung und den Behörden der Streitkräfte ernannt werden. Als Mitglied des Ausschusses kann nicht tätig werden, wer bereits mit dem Fall befaßt war oder an ihm unmittelbar interessiert ist.

(b) Der Ausschuß versucht, die ihm unterbreiteten Streitigkeiten gütlich beizulegen. Er kann Verhandlungen mit den streitenden Parteien führen und alle Umstände in Betracht ziehen, die zur Klärung des Sachverhalts von Bedeutung sind. Der Ausschuß kann zur Beilegung einer Streitigkeit Empfehlungen geben, die von den Behörden der Streitkräfte in vollem Umfang berücksichtigt werden.

(c) Die Tätigkeit des Ausschusses beeinträchtigt nicht die Rechte, die den Beteiligten nach dem Vertrag in Zusammenhang mit der Beilegung von Streitigkeiten zustehen.

(d) Die Streitigkeiten werden nach

be submitted to conciliation pursuant to the provisions of paragraph 2 of this Article. In the event a written decision has been rendered by the contracting officer, the contractor must file a request for conciliation within twenty-one days of the receipt of such decision. However, the contractor shall not be relieved of the necessity to observe the appeal procedure which may be provided in the contract.

2. (a) A Contract Conciliation Commission shall be established composed of two representatives appointed by the Federal Government and two representatives appointed by the authorities of the forces. A fifth member may be appointed by agreement between the Federal Government and the authorities of the forces. Membership in the Commission shall be inadmissible for any person who has been previously concerned with a case or who has a direct interest in it.

(b) The Commission shall seek to bring about amicable settlements of disputes which are submitted to it. It may conduct discussions with the parties to the dispute and consider all pertinent information bearing on its investigation. The Commission may submit recommendations for the settlement of a dispute which shall be given full consideration by the authorities of the forces.

(c) The functions of the Commission shall not prejudice any rights to which the parties involved are entitled under the contract in connection with the settlement of disputes.

(d) Disputes shall be submitted and

einem Verfahren unterbreitet und behandelt, das von dem Vertragsschlichtungsausschuß in Zusammenarbeit mit den deutschen Behörden und mit den Behörden der Streitkräfte festzulegen ist ; die Behörden der Streitkräfte stellen sicher, daß der Ausschuß genügend Zeit hat, ihm vorgelegte Schlichtungsanträge entgegzunehmen und zu behandeln.

Artikel 5

(1) Dieses Abkommen bedarf der Ratifizierung oder Genehmigung. Die Ratifikations- oder Genehmigungsurkunden werden in Bonn ausgetauscht.

(2) Dieses Abkommen tritt am gleichen Tage wie das Zusatzabkommen in Kraft.

ZU URKUND DESSEN haben die unterzeichneten, hierzu gehörig befugten Vertreter dieses Abkommen unterschrieben.

GESCHEHEN zu Bonn am 3. Tage des Monats August 1959 in doppelter Urschrift in deutscher und englischer Sprache, wobei jeder Wortlaut gleichermaßen verbindlich ist.

Für die Bundesrepublik Deutschland :

A. H. VAN SCHERPENBERG

Für die Vereinigten Staaten von Amerika :

David BRUCE

considered in accordance with procedures to be determined by the Contract Conciliation Commission in cooperation with the German authorities and the authorities of the forces which shall ensure that the Commission is afforded a reasonable period of time to receive and consider requests for conciliation which are submitted to it.

Article 5

1. The present Agreement shall be ratified or approved. The instruments of ratification or of approval shall be exchanged at Bonn.

2. The present Agreement shall enter into force on the same date as the Supplementary Agreement.

IN WITNESS WHEREOF the undersigned Representatives duly authorized thereto have signed the present Agreement.

DONE at Bonn in duplicate, this third day of August 1959, in the German and English languages, each text being equally authentic.

For the Federal Republic of Germany :

A. H. VAN SCHERPENBERG

For the United States of America :

David BRUCE

EXCHANGE OF NOTES RELATING TO SETTLEMENT OF DISPUTES
ARISING OUT OF DIRECT PROCUREMENT (FEDERAL POST, FEDERAL
RAILWAYS). BONN AND BONN/BAD GODESBERG, 3 AUGUST
1959

I

[GERMAN TEXT — TEXTE ALLEMAND]

AUSWÄRTIGES AMT

GS/Bi — US/8

Verbalnote

Das Auswärtige Amt beehrt sich, auf Artikel 3 Satz 2 des in Bonn am 3. August 1959 unterzeichneten Abkommens zwischen der Bundesrepublik Deutschland und den Vereinigten Staaten von Amerika über die Beilegung von Streitigkeiten aus Direktbeschaffungen, der besondere Vereinbarungen der Deutschen Bundesbahn und der Deutschen Bundespost betrifft, Bezug zu nehmen.

Das Auswärtige Amt wäre dankbar, wenn die Botschaft der Vereinigten Staaten von Amerika ihr Einverständnis bestätigen würde, daß das in Artikel 4 Absatz (2) jenes Abkommens genannte Schiedsverfahren vor dem Vertragsschlichtungsausschuß, auch in Bezug auf Streitigkeiten aus unmittelbaren Lieferungen und Leistungen der Deutschen Bundesbahn und der Deutschen Bundespost, angewandt werden kann.

Das Auswärtige Amt benutzt auch diesen Anlaß, die Botschaft der Vereinigten Staaten von Amerika erneut seiner ausgezeichneten Hochachtung zu versichern.

An die Botschaft der Vereinigten Staaten
von Amerika

Bonn, den 3. August 1959

[SIEGEL]

[TRANSLATION — TRADUCTION]

FEDERAL MINISTRY FOR FOREIGN AFFAIRS

GS/Bi — US/8

Note Verbale

[See note II]

To the Embassy of the United States of America

Bonn, 3 August 1959

[SEAL]

II

No. 47

The Embassy of the United States of America has the honor to refer to the Note Verbale (GS/Bi — US/8) of the Federal Ministry for Foreign Affairs dated August 3, 1959, the translation of which reads as follows :

“The Federal Ministry for Foreign Affairs has the honor to refer to the second sentence of Article 3 of the Agreement between the Federal Republic of Germany and the United States of America on the Settlement of Disputes Arising out of Direct Procurement, signed at Bonn on August 3, 1959,¹ concerning special arrangements envisaged for the German Federal Railways and the German Federal Post.

“The Ministry would be grateful if the Embassy would confirm its understanding that the conciliation procedure before the Contract Conciliation Commission mentioned in paragraph 2 of Article 4 of that Agreement may also be applied in respect of disputes arising out of direct procurement of goods and services from the German Federal Railways or the German Federal Post.

“The Federal Ministry for Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration.”

The Embassy of the United States of America has the honor to inform the Federal Ministry for Foreign Affairs that it agrees with the contents of that Note.

The Embassy of the United States of America takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration.

W. R. T.

Embassy of the United States of America
Bonn/Bad Godesberg, August 3, 1959

¹ See p. 30 of this volume.

B. AGREEMENT¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE UNITED STATES OF AMERICA ON THE STATUS OF PERSONS ON LEAVE. SIGNED AT BONN, ON 3 AUGUST 1959

THE FEDERAL REPUBLIC OF GERMANY and
THE UNITED STATES OF AMERICA

Have agreed as follows :

Article 1

With respect to members and civilian employees of the United States Armed Forces, who are stationed in Europe or North Africa and outside the Federal territory and Berlin, and dependents who accompany them,

- (a) Articles II, III, VII, VIII, X, XI, XII, XIII, XIV of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on 19 June 1951² (hereinafter referred to as the "NATO Status of Forces Agreement") and,
- (b) Article 2 ; sub-paragraphs (c) and (d) of paragraph 1 and sub-paragraphs (a) and (c) of paragraph 2 of Article 5 ; Articles 6, 8, 15, 16, 17, 19, 22 through 25 ; paragraph 2 of Article 26 ; paragraph 2 of Article 36 ; Articles 39, 41, 59, 64, 66, 68, 69, 74 and 75 of the Agreement to supplement the NATO Status of Forces Agreement with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on 3rd August 1959³ (hereinafter referred to as the "Supplementary Agreement")

shall apply when such persons are temporarily in the Federal territory on leave, provided they are in possession of documentation identifying their duty station (hereinafter referred to as "persons on leave").

Article 2

1. Where a person on leave commits an offense against German interests, and provided that the United States military authorities are competent to exercise criminal jurisdiction, they will hold or return the accused for trial before a United

¹ See footnote 1, p. 30 of this volume.

² See footnote 3, p. 30 of this volume.

³ United Nations, *Treaty Series*, Vol. 481, p. 262.

States military court in the Federal territory except with respect to offenses of minor importance punishable through the exercise of disciplinary jurisdiction, or except in cases of military exigency.

2. In a case of military exigency the provisions of sub-paragraph (b) of paragraph 1 of Article 26 of the Supplementary Agreement shall apply *mutatis mutandis*.

3. The United States military authorities shall notify the German authorities of the disposition of all cases referred to in this Article.

Article 3

In order to avoid as far as possible the difficulties of enforcing civil law claims against persons on leave who have left the Federal territory, the United States military authorities will render all assistance in their power to facilitate the satisfaction of such claims.

Article 4

The requirements of the American force for accommodation shall not be increased by reason of the presence of persons on leave.

Article 5

1. The present Agreement shall be ratified or approved. The instruments of ratification or of approval shall be exchanged at Bonn.

2. The present Agreement shall enter into force on the same date as the Supplementary Agreement.

IN WITNESS WHEREOF the undersigned Representatives duly authorized thereto have signed the present Agreement.

DONE at Bonn in duplicate, this third day of August 1959, in the German and English languages, each text being equally authentic.

For the Federal Republic of Germany :

A. H. VAN SCHERPENBERG

For the United States of America :

David BRUCE

C. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO TAXES AND CUSTOMS. BONN AND BONN/BAD GODESBERG, 3 AUGUST 1959

I

[GERMAN TEXT — TEXTE ALLEMAND]

AUSWÄRTIGES AMT

GS/Bi — US/1

Verbalnote

Das Auswärtige Amt beehrt sich, auf die Artikel 3 Absatz (6), 65, 66 und 67 des in Bonn am 3. August 1959 unterzeichneten Zusatzabkommens zu dem Abkommen zwischen den Parteien des Nordatlantikvertrages über die Rechtsstellung ihrer Truppen hinsichtlich der in der Bundesrepublik Deutschland stationierten ausländischen Truppen (im folgenden als Zusatzabkommen bezeichnet) Bezug zu nehmen.

In den Verhandlungen, die im Zusammenhang mit diesen Artikeln geführt worden sind, ist Einvernehmen über folgende Durchführungvereinbarungen erzielt worden, die dieser Note als Anlage beigefügt sind :

1. Vereinbarung zur Durchführung der zoll- und steuerrechtlichen Vorschriften des Zusatzabkommens zum NATO-Truppenstatut zugunsten einer Truppe und eines zivilen Gefolges (Artikel 65 und Artikel 67 des Zusatzabkommens)
2. Vereinbarung zur Durchführung der zoll- und verbrauchssteuerrechtlichen Vorschriften des Zusatzabkommens zum NATO-Truppenstatut zugunsten der Mitglieder einer Truppe, eines zivilen Gefolges und deren Angehörigen (Artikel 66 und Artikel 3 Absatz (6) des Zusatzabkommens).

Mit einer Ausnahme sind Formblätter diesen Vereinbarungen nicht beigefügt worden, weil die bereits in Gebrauch befindlichen Formblätter weiter verwendet werden.

¹ See footnote 1, p. 30 of this volume.

II

No. 40

The Embassy of the United States of America has the honor to refer to the Note Verbale (GS/Bi — US/1) of the Federal Ministry for Foreign Affairs dated August 3, 1959, the translation of which reads as follows :

“The Federal Ministry for Foreign Affairs has the honor to refer to Articles 3 (paragraph 6), 65, 66, and 67 of the Agreement¹ to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces² with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on August 3, 1959 (hereinafter referred to as the ‘Supplementary Agreement’).

“In the negotiations which were conducted in connection with these Articles, agreement has been reached with respect to the following Implementing Agreements annexed to this Note :

- “1. Agreement³ on the Implementation of the Customs and Taxation Provisions of the Supplementary Agreement to the NATO Status of Forces Agreement in Favor of a Force and a Civilian Component (Article 65 and Article 67 of the Supplementary Agreement) ;
- “2. Agreement⁴ on the Implementation of the Customs and Consumer Tax Provisions of the Supplementary Agreement to the NATO Status of Forces Agreement in Favor of Members of a Force, of a Civilian Component and Dependents (Article 66 and paragraph 6 of Article 3 of the Supplementary Agreement).

“With one exception, forms have not been attached to these Agreements, since those forms already in use will be continued.

“These Implementing Agreements shall enter into force on the same date as the Supplementary Agreement and shall be subject to review without delay upon the request of a Party thereto.

“The Federal Ministry for Foreign Affairs has the honor to inform the Embassy of the United States of America that the Federal Minister of Finance agrees with the Implementing Agreements annexed hereto as well as with the understandings contained in this Note. The Federal Ministry for Foreign Affairs would be grateful if the Embassy would inform the Ministry whether the Forces of the United States of America are also in agreement.

¹ United Nations, *Treaty Series*, Vol. 481, p. 262.

² See footnote 3, p. 30 of this volume.

³ See p. 45 of this volume.

⁴ See p. 59 of this volume.

“The Federal Ministry for Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration.”

The Embassy of the United States of America has the honor to inform the Federal Ministry for Foreign Affairs that the Forces of the United States of America are in agreement with the contents of that Note.

The Embassy of the United States of America takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration.

W. R. T.

Enclosures :

Annexes 1 and 2 to the *Note Verbale*
of the Federal Ministry for Foreign Affairs
of August 3, 1959 (GS/Bi — US/1)¹

Embassy of the United States of America
Bonn/Bad Godesberg, August 3, 1959

¹ See pp. 45 and 59 of this volume.

ANNEX 1 TO THE *NOTE VERBALE* OF THE FEDERAL MINISTRY
FOR FOREIGN AFFAIRS OF AUGUST 3, 1959 (GS/Bi — US/1)¹

AGREEMENT ON THE IMPLEMENTATION OF THE CUSTOMS AND TAXATION PROVISIONS OF THE SUPPLEMENTARY AGREEMENT TO THE NATO STATUS OF FORCES AGREEMENT IN FAVOR OF A FORCE AND A CIVILIAN COMPONENT (ARTICLE 65 AND ARTICLE 67 OF THE SUPPLEMENTARY AGREEMENT)

I. *Import, Export and Transit*

1. *Official Certificate*

(a) The official certificate required under paragraph 4 of Article XI of the NATO Status of Forces Agreement to be submitted to the German customs authorities for goods imported for the force and the civilian component shall be in accordance with the form at Annex 1.² These forms shall also be used for the export and transit of goods of the force and the civilian component pursuant to paragraph 13 of Article XI of the NATO Status of Forces Agreement.

(b) In each case two copies of the official certificate shall be submitted to the competent German customs authorities. The German customs offices shall, upon request, stamp any additional copies of the official certificate of the force or of the civilian component.

2. *Import Procedure*

(a) The customs office of entry shall, in general, allow goods to be forwarded direct to the agency of the force or the civilian component authorized to receive them under the simplified customs procedure provided for by German customs legislation. The official certificate shall, in that case, serve as a customs document during transportation. The customs office of entry shall certify clearance on all copies of the official certificate and retain one copy. The person in charge of the goods shall hand over the remaining copies of the official certificate together with the goods to the agency of the force or of the civilian component authorized to receive the goods. This agency shall certify receipt of the goods on one copy of the certificate and return it to the customs office of entry without delay.

(b) Clearance under the simplified customs procedure may be refused by the customs office of entry if

- (i) the official certificate or the number of copies of the official certificate necessary for the German customs administration are not presented ;
- (ii) the official certificate has not been properly completed ;
- (iii) the consignee is neither an agency of the force nor an organization listed in the Protocol of Signature to the Supplementary Agreement but an organization whose status cannot be established without further investigation ;

¹ See p. 40 of this volume.

² See p. 57 of this volume.

- (iv) the person in charge of the goods appears to be unreliable from a customs and taxation point of view ;
- (v) the goods are by their nature subject to especially heavy taxes or peculiarly the object of illicit trading. Clearance under the simplified customs procedure shall not be refused, however, if the goods are carried in official vehicles of the force or of the civilian component and are accompanied by specially designated personnel of the force or of the civilian component ;
- (vi) owing to the nature of loading or anticipated blocking of traffic at the frontier, inspections of consignments can be effected only under difficulties, or if the force or the civilian component requests such inspections to be effected at or near the place of destination.

Goods for which clearance under the simplified customs procedure is refused by the customs office of entry, shall be cleared under the *Zollanweisungsverfahren* (procedure for dispatch of goods from one customs office to another under cover of a bond) in accordance with the normal German customs provisions and the provisions of paragraph 5 below. In such cases the customs office of entry shall issue a *Zollbegleitschein* (bond note). The original of the *Zollbegleitschein* (bond note) together with all copies of the official certificate shall be given to the *Zollbeteiligter* (possessor of the goods) (i.e., in general, the person in charge of the goods). The *Zollbeteiligter* (possessor of the goods) shall present the goods within the prescribed time limit to the customs office of destination stated in the *Zollbegleitschein* (bond note). The *Zollbegleitschein* (bond note) and all copies of the official certificate shall be presented by him to that customs office.

The customs office of destination shall, upon verification of proper import, release the goods to the agency of the force or of the civilian component authorized to receive them. The agency of the force or of the civilian component authorized to receive the goods shall confirm receipt of them on one copy of the official certificate and shall forward it without delay to the customs office of destination.

3. *Transit Procedure*

(a) The customs office of entry shall, in general, permit direct transportation of the goods, under the simplified customs procedure provided for in German customs legislation, to the German customs office of exit. At the customs office of entry, the procedure outlined in sub-paragraph (a) of paragraph 2 above shall apply *mutatis mutandis*. The customs office of exit shall certify the exportation of the goods on the copy of the official certificate presented to it and return the copy to the customs office of entry.

(b) In cases mentioned in sub-paragraph (b) of paragraph 2 above the customs office of entry may refuse clearance under the simplified customs procedure. In that event the procedure provided for in the second paragraph of sub-paragraph (b) of paragraph 2 above shall apply.

At the request of the person in charge of the goods, the German customs offices shall certify the entry and exit of the goods on any further copies of the official certificate presented to them.

4. *Export Procedure*

In the case of export the German customs office of exit shall, after presentation of the goods, certify the exportation and retain one copy of the official certificate.

5. *Guarantee*

A guarantee, as and where provided for by German customs provisions, may be required up to the amount of the applicable import duties for goods cleared for importation or transit in accordance with paragraphs 2 and 3 above. A guarantee shall not be required, however, in respect of goods carried in official vehicles of the force or of the civilian component and accompanied by specially designated personnel of the force or of the civilian component.

II. *Customs Control*

A. *Consignments of the Force not Subject to Special Security Regulations within the Scope of sub-paragraph (c) of paragraph 5 of Article 65 of the Supplementary Agreement*

1. Customs control of such consignments shall be effected in compliance with sub-paragraphs (a) and (b) of paragraph 5 of Article 65 of the Supplementary Agreement. Pursuant to paragraph 4 of Article 65 of the Supplementary Agreement, the German customs authorities shall ensure that the exercise of customs control will not result in undue delays. Spot checks as provided for in item (i) of sub-paragraph (b) of paragraph 5 of Article 65 of the Supplementary Agreement shall only be effected to the extent necessary for the prevention of customs contraventions.

The authorities of the force shall instruct their personnel and the persons in charge of the goods to assist the German customs authorities in the exercise of their control in every way.

2. Irregularities discovered by the German customs authorities as a result of such control shall be communicated without delay to the liaison personnel of the force.

3. In case of intended inspections of the contents of closed packages or of goods compartments of vehicles sealed with an official seal of the authorities of the force or the military authorities of the sending State, the customs office, upon detention of such consignments or vehicles, shall inform the liaison personnel of such detention and request their presence during the intended inspection. The liaison personnel shall without delay inform the customs office of their desire to participate in the inspection or to decline such participation.

B. *Consignments of the Force Subject to Special Security Regulations within the Scope of sub-paragraph (c) of paragraph 5 of Article 65 of the Supplementary Agreement*

1. Consignments containing military equipment to which special security regulations apply shall not be subject to inspection by the German customs authorities if accompanied by a special certificate issued by the authorities of the force. Such certificate shall be signed by a senior officer. The customs office effecting clearance shall retain one copy of the special certificate.

2. Where there are special grounds for suspicion the German customs office may detain such consignments for inspection by specially designated personnel of the force. The customs office shall without delay notify such detention to the liaison personnel or the agency concerned of the force. The consignment shall either be released to the force at the place of detention or shall be forwarded under the *Zollanweisungsverfahren* (procedure for the dispatch of goods from one customs office to another under cover of a bond) to the place of destination and released at that place, whichever may be requested. The contents of the consignment shall be inspected by specially designated personnel of the force. The German customs office which released the goods to the force shall be notified by the force of the result of such inspection.

3. The certificate required under paragraph 1 above shall be in accordance with the form at Annex 2.¹

C. *Customs Control of Aircraft and of Consignments of Goods Carried in them*

1. Consignments of the force imported or exported via a military airfield of the force shall be subject to regular customs control by the authorities of the force itself. The German customs authorities shall nevertheless be entitled to carry out occasional controls of such consignments. In this connection they may inspect the official certificates accompanying the consignments. Such controls shall be established by mutual agreement between the local German customs office and the authorities of the force in charge of the military airfield. No inspection shall be made of the interior of aircraft to which for military reasons special security regulations apply. The German customs authorities may, however, in case of special grounds for suspicion request that such aircraft be inspected by specially designated personnel of the force. The result of such inspection shall be notified to the German customs authorities.

2. Within the terms of the administrative agreements and other arrangements provided for in paragraph 6 of Article 57 of the Supplementary Agreement the following shall apply :

(a) When entering the Federal territory, aircraft of the force which in addition to duty-free stores and travel provisions carry other goods shall land only on customs airfields or on airfields of the German Armed Forces which are specially licensed for goods traffic. The aircraft and their loads shall be subject to customs control by the German authorities in accordance with Section II A and B above.

(b) Aircraft of the force which carry only duty-free stores and travel provisions may also land on airfields of the German Armed Forces which are not licensed for goods traffic. Such aircraft and their loads shall be subject to customs control by the competent German authorities in accordance with the following provisions :

The authorities of the force shall instruct their members when landing on an airfield of the German Armed Forces to carry in their personal baggage no goods other than duty-free travel provisions. Specially designated personnel of the German Armed Forces who are authorized to enforce customs regulations shall ascertain on landing that these instructions are complied with. If contrary to these instructions

¹ See p. 59 of this Volume.

goods are carried which are not duty-free travel provisions, such personnel of the German Armed Forces shall ensure that the goods are presented intact to a customs office for customs clearance.

The right of the German customs authorities to carry out customs control themselves shall not be hereby affected. However, the interior of aircraft to which for military reasons special security regulations apply shall not be inspected. Where there are special grounds for suspicion the German customs authorities may detain such aircraft and request the competent authorities of the force that it be inspected by specially designated personnel of the force. The German customs authorities shall be informed of the result of this inspection.

3. If for any special reasons (emergency landing) an aircraft of the force which is carrying goods lands on a civil airport or an airfield of the German Armed Forces other than those mentioned in sub-paragraph (a) of paragraph 2 above, the competent German civil and military authorities shall be required to inform the German customs authorities of such landing. Such aircraft shall remain under customs supervision until their departure. If the force desires to unload the aircraft so that the goods can be transported by other aircraft or by other means to their final destination, customs control shall be effected by the competent German customs office in accordance with Section II A and B above. No inspection shall be made of the interior of aircraft to which for military reasons special security regulations apply. The German customs authorities may, however, in case of special grounds for suspicion request that such aircraft be inspected by specially designated personnel of the force. The result of such inspection shall be notified to the German customs authorities.

D. *Customs Control of Regularly Constituted Units or Formations*

1. Regularly constituted units or formations within the meaning of paragraph 10 of Article XI of the NATO Status of Forces Agreement shall not be subject to customs control when crossing frontiers during military exercises or maneuvers, provided the competent local German customs office has been duly notified in advance of the place and time of the proposed frontier crossings.

2. Where such units or formations cross the frontier for any other reason, no customs control shall, in general, take place provided the person in charge of such unit(s) or formation(s) submits, in addition to his Identity Card and Movement Order required under sub-paragraphs (a) and (b) of paragraph 2 of Article 5 of the Supplementary Agreement, a statement in writing to the effect that he has taken all practicable measures to ensure that no goods are being carried by either his unit or formation or its members in contravention of the provisions of the NATO Status of Forces Agreement or the Supplementary Agreement thereto. The same shall apply in respect of units or formations moving to or from military exercises or maneuvers.

E. *Customs Control under Special Administrative Agreements*

Section II A to D above shall not affect administrative agreements pursuant to paragraph 1 of Article 4 of the Supplementary Agreement.

III. Procurement Procedures

1. If duty and tax reliefs provided for under sub-paragraph (b) of paragraph 1 of Article 65 and under paragraph 3 of Article 67 of the Supplementary Agreement are claimed, the supplier of the goods or services shall submit an *Abwicklungsschein* to the agency of the force or of the civilian component authorized to receive the goods or accept the services. The *Abwicklungsschein* shall be in accordance with the form at Annex 3.¹

2. The competent authority of the force or of the civilian component shall certify on the *Abwicklungsschein* receipt of the goods or acceptance of the services, noting details of payment effected.

3. The *Abwicklungsschein* shall be submitted to the bank (situate in the Federal Republic) of the supplier of the goods or services in order that receipt of payment may be noted on the *Abwicklungsschein* by the bank.

4. The duly completed *Abwicklungsschein* shall serve as proof vis-à-vis the customs and tax authorities that the goods or services have been received or accepted by the agency authorized to receive or accept them. It shall also serve as proof that payment has been made in the currency of the country of the force concerned or in Deutsche Mark which the force or the civilian component have acquired by the exchange of such currency in the Federal Republic through agreed agencies or the use of which for this purpose is permitted under special agreements between the Governments concerned.

In the case of supplies or services, the value of which exceeds DM 5,000.— the customs and tax authorities may request production of the written delivery contract from the supplier of the goods or services.

IV. Customs Treatment of Surplus Goods

1. If and to the extent that the force or the civilian component disposes of movable property in the Federal Republic under paragraph 3 of Article 65 of the Supplementary Agreement, the customs treatment of such property shall be governed by the following provisions :

2. A list of the agencies authorized to dispose of such goods shall be submitted to the German customs authorities, the list containing designation and address of these agencies.

3. If such goods are disposed of for export from the Federal territory to persons not residing in the Federal territory, the German export restrictions shall not apply nor shall export licenses be required, neither shall the goods be subject to export duties. The person acquiring such goods shall, however, comply with the customs formalities required to ensure actual exportation of the goods.

4. If goods disposed of are to be put to home consumption or use within the Federal territory, the following shall apply :

¹ See under annex 1, p. 57 of this volume.

(a) Goods of non-German origin imported from abroad under the provisions granting duty and tax exemptions to the force or the civilian component shall, in general, be subject to the import duties and taxes, restrictions, or prohibitions applicable to the importation of like goods.

(b) Goods of German origin acquired by the force or the civilian component in the Federal territory shall only be liable to those duties and taxes from which the force or the civilian component may have been exempted when acquiring such goods. Import duties shall be waived in accordance with German legislation for goods acquired under paragraph 3 of Article 67 of the Supplementary Agreement by the force or the civilian component against payment in its national currency, and for which the duty and tax reliefs provided for in the consumer tax and monopoly laws in the event of exportation have been granted.

5. The certificates issued by the authorities of the force or the civilian component certifying the origin of the goods and stating the circumstances under which possession of the goods has been acquired by the force or the civilian component, shall normally be accepted by the German customs offices as valid evidence.

6. In all cases where duties or taxes are payable on the goods, the possibility shall not be excluded of granting the persons acquiring such goods, upon request, the reductions in duties or taxes which for reasons of equity are allowable under German customs provisions for depreciation in the value of used goods.

7. In order to enable the customs administration to collect any duties or taxes due, the agency of the force or of the civilian component responsible for the disposal shall submit to the competent local customs office, not less than eight (8) days prior to the disposal, a list of the goods to be disposed of and address of place of storage.

8. The German authorities may inspect the goods in order to determine the amount of duties or taxes payable and to state any formalities to be observed.

9. The goods disposed of shall be retained by the disposing agency until the person who has acquired them has submitted a certificate from the German customs authorities to the effect that all the required formalities have been completed by him (Customs Clearance Certificate).

ANNEX I

It has been decided by mutual consent not to attach the proformas agreed as Annexes (except Annex 2 below), because the previous proformas are to continue in use.

ANNEX 2

Only valid in conjunction with a Form 302.

*Certificate for military equipment subject to special protective provisions
on security grounds*

For submission to the German customs offices

valid until

This is to certify that the consignment of goods, consisting of
(Waggons/vehicles, packages)

marked as follows, contains
exclusively military equipment subject to special protective provisions on security grounds
and therefore subject to special customs treatment pursuant to sub-paragraph (c) of
paragraph 5 of Article 65 of the Supplementary Agreement.

Consignor :

Office of the force entitled to receive goods :

No. of the official certificate (Form 302)

Date

.....
Signature and rank of Officer*

OFFICIAL STAMP

* Major or above.

ANNEX 2 TO THE *NOTE VERBALE* OF THE FEDERAL MINISTRY
FOR FOREIGN AFFAIRS OF AUGUST 3, 1959 (GS/Bi — US/1)¹

AGREEMENT ON THE IMPLEMENTATION OF THE CUSTOMS AND CONSUMER TAX PROVISIONS
OF THE SUPPLEMENTARY AGREEMENT TO THE NATO STATUS OF FORCES AGREEMENT
IN FAVOR OF MEMBERS OF A FORCE, OF A CIVILIAN COMPONENT AND DEPENDENTS
(ARTICLE 66 AND PARAGRAPH 6 OF ARTICLE 3 OF THE SUPPLEMENTARY AGREEMENT)

I. Import and Export by Members of a Force, of a Civilian Component and Dependents

1. The members of a force, of a civilian component and dependents (hereinafter referred to as "members") may import or export, without payment of customs duties and other import or export taxes, the following goods in quantities not exceeding those stated below and not more than once in any one month :

¹ See p. 40 of this volume.

(i) cigarettes	200 (import) 600 (export)
(ii) other tobacco products	250 gr. (import) 500 gr. (export)
(iii) coffee	500 gr.
or pure coffee extracts	125 gr.
or mixed coffee extracts	250 gr.
(iv) tea	500 gr.
(v) wines and spirits	2 litres (import ; in the case of spirits it may be demanded that the bottles be uncorked. Reasonable quantities not deemed sufficient for trading purposes (export).
(vi) cocoa	500 gr.
(vii) chocolate or chocolate products	500 gr.

2. The reliefs in respect of the goods listed under items (i) to (v) inclusive of paragraph 1 above shall be granted only if the goods are contained in the accompanied baggage of the members.

3. Members crossing the frontier more than once in any one month shall be granted on second and subsequent crossings exemption from customs duties and other taxes on the goods listed under paragraph 1 above only in respect of such quantities as may be imported or exported free of duty and other taxes by travelers resident in the Federal Republic.

II. Certificate

1. The certificate provided for under paragraph 3 of Article 66 of the Supplementary Agreement in respect of goods which may be imported by members without payment of customs duties and other import taxes, shall be presented to the German customs authorities without fail

- (a) in the case of importation of motor vehicles or trailers or watercraft or aircraft not registered by the authorities of the force, and for which, in the case of re-assignment, the certificate provided for in sub-paragraph (b) of paragraph 2 below has not been submitted ;
- (b) in the case of importation of expensive goods such as refrigerators, washing machines, kitchen machines, vacuum cleaners, television or radio sets, and tape recorders ;
- (c) in the case of importation of goods where it cannot be readily ascertained that they are destined for the personal or domestic use of the member concerned.

2. Presentation of a certificate as referred to under paragraph 1 above shall not be required

- (a) in the case of importation of motor vehicles or trailers or watercraft or aircraft registered by the authorities of the force, provided that the registration certificate is presented to the German customs authorities ;

(b) in the case of importation of household goods and personal effects as well as motor vehicles or trailers or watercraft or aircraft introduced into the Federal territory on the occasion of re-assignment, provided that a certificate/re-assignment order is presented to the German customs authorities.

3. The authorities of the force shall refuse to issue certificates for the importation of such goods as are supplied to the members under contracts of sale or barter deals concluded with residents of the Federal Republic or of Berlin (West).

4. The certificate provided for under paragraph 1 above shall be in accordance with the forms attached as Annexes.¹

III. Release of the Imported Goods

The goods imported by the members in accordance with Article 66 of the Supplementary Agreement without payment of customs duties and other import taxes shall be released by the German customs authorities only to

1. the person entitled if he proves his identity in accordance with Article 5 of the Supplementary Agreement ;
2. a member authorized by the entitled person on proof of identity as per paragraph 1 above, and on production of a written authority ;
3. an authority of the force, and in particular a force's postal agency.

IV. Disposal of Goods

1. Except as provided below the members shall not transfer or hand over to any person other than a member, goods imported or acquired for which reliefs have been claimed under the NATO Status of Forces Agreement and the Supplementary Agreement.

2. The following cases shall be deemed exceptions :

(a) customary gifts of a personal or domestic nature in quantities unsuitable for trading purposes. In the case of the goods mentioned below, however, the following quantities shall not be exceeded :

cigarettes	25 or
cigars	10 or
tobacco	50 gr.
coffee	500 gr. or
coffee extracts	100 gr.
tea	100 gr.
spirits	1 bottle with a content not exceeding 1 litre

(b) foods, beverages and stimulants prepared for immediate consumption, and offered for such consumption to invited guests ;

¹ See p. 69 of this volume.

- (c) the loan for brief periods of goods of personal or domestic utility—motor vehicles excepted—within the scope of normal social relations ;
- (d) the temporary transfer of goods for forwarding or storage purposes. Cigarettes, cigars, tobacco, cigarette paper, coffee, coffee extracts, tea, spirits, and motor vehicle fuels and lubricants, however, may be handed over for forwarding or storage purposes only to a public law corporation or to a commercial enterprise specializing in such trade ;
- (e) the temporary transfer for repairs or other work ;
- (f) the disposal to second-hand dealers authorized by the German customs authorities, provided that the goods are used clothing or household goods (motor vehicles excepted) not exceeding the value of DM 200 per mensem ;
- (g) the direct disposal of non-expendable goods which have been in the possession of members in the Federal territory for a period of at least six months and for which the consent of the competent German customs authorities has been previously sought and obtained. Applications for permission to dispose of such goods shall be submitted to the competent authorities of the force concerned ; if recommended the application shall be transmitted to the competent German customs authority. The form of the application and of the disposal permit shall be established by mutual agreement ;
- (h) the disposal through an agent under the same conditions as stated under item (g) above, provided that the name and address of the agent are given to the German customs authorities.

V. Customs Control of Consignments of Members

1. Forwarding through Forces' Post Offices or Forces' Transport Agencies

(a) Export and import consignments belonging to members which are forwarded by forces' post offices or forces' transport agencies shall for purposes of customs control be channeled through central agencies to be mutually agreed. The foregoing provision shall also apply to export consignments which the forces' post offices or transport agencies pass on to the German Federal Post for forwarding to destinations abroad. The German customs authorities will normally carry out only occasional controls, which will be conducted by arrangement with the personnel responsible for customs control of the competent authority of the force. Regular control will be effected by the authorities of the force.

(b) Import consignments for consignees not having a military postal address, which are transported into the Federal territory by forces' post offices or transport agencies and then passed on to the German Federal Post or another non-military transport agency for forwarding to the consignee, shall be subject to customs clearance as provided for under general German customs provisions. In order to ensure customs clearance, the forces' post offices and transport agencies shall make arrangements with the appropriate German agencies for the import consignments to be presented to the competent German customs offices.

2. Forwarding through other Channels

Members' import and export consignments other than those referred to under paragraph 1 above shall be subject to customs clearance as provided for under general German customs provisions.

VI. Exchange Control

If necessary, special arrangements shall be made for the implementation of exchange control in accordance with sub-paragraph (b) of paragraph 5 of Article 66 of the Supplementary Agreement.

VII. Customs Control of Members

1. At the Frontier

(a) International Crossing Points

(i) The liaison personnel provided for under paragraph 6 of Article 3 of the Supplementary Agreement to assist the German customs officials in their controls may be stationed at such crossing points as are used by a considerable number of members or used to a considerable extent for traffic in goods for the force. The number of persons shall be deemed "considerable" if, on an average, the number of persons crossing the point in either direction together totals 100 members of the force concerned per day. In the case of crossing points used by a considerable number of members only on certain days (e.g., weekends), liaison personnel may be attached on the days concerned.

(ii) Crossing points at which liaison personnel are to be stationed as provided for in accordance with item (i) above shall be determined by agreement with the force concerned. If, owing to changes in traffic the conditions referred to under item (i) above regarding the stationing of liaison personnel no longer exist, such personnel shall be withdrawn by mutual agreement from the crossing points concerned.

(iii) The provisions under items (i) and (ii) above do not exclude the stationing of liaison personnel at inland places for certain sectors of the crossing points.

(b) Frontier Control Posts

The provisions under sub-paragraph (a) above shall apply *mutatis mutandis* to the liaison personnel at the demarcation line of the Soviet Occupation Zone of Germany subject to the special conditions of passengers and goods traffic between the Federal territory and Berlin (West) being taken into account.

2. On Airfields

(a) Customs control on military airfields of the force shall be carried out regularly by personnel of the force itself. Subject to that, customs control shall be governed

mutatis mutandis by the provisions of paragraph 1 of Section II C of the Agreement¹ on the Implementation of Article 65 and Article 67 of the Supplementary Agreement.

(b) Customs control on airfields of the German Armed Forces or on civil airfields shall be carried out by personnel of the German Armed Forces or by German customs officials in accordance with the principles set forth in paragraphs 2 and 3 of Section IV C of the Agreement referred to in sub-paragraph (a) above.

(c) Under the circumstances referred to in paragraph 1 of Section VII above, liaison personnel may be stationed at customs airfields to assist the German customs officials in their controls.

3. *Customs Control under Special Administrative Agreements*

Administrative agreements pursuant to paragraph 1 of Article 4 of the Supplementary Agreement shall not be affected by the provisions of paragraphs 1 and 2 of Section VII above.

VIII. *Travel between the Federal Territory and Berlin (West)*

The foregoing provisions shall be applicable also to members traveling between the Federal territory and Berlin (West). Notwithstanding the provisions of paragraph 1 of Section I above, members of the Occupation Forces stationed in Berlin traveling on leave or duty and entering the Federal territory in transit only may, however, import in their accompanied baggage

600 cigarettes and
500 gr. of other tobacco products,

provided that the Occupation Forces' member concerned produces his leave pass or movement order at the customs control, showing that his destination, whether for purposes of leave or duty, is outside the Federal territory.

ANNEXES

The Annexes mentioned in the text of this Agreement, consisting of certain proformas, have been omitted by mutual consent because the proformas hitherto used are to continue in use.

¹ See p. 45 of this volume.

D. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO AERIAL PHOTOGRAPHY. BONN AND BONN/BAD GODESBERG, 3 AUGUST 1959

I

[GERMAN TEXT — TEXTE ALLEMAND]

AUSWÄRTIGES AMT

GS/Bi — US/2

Verbalnote

Das Auswärtige Amt beehrt sich, auf Artikel 42 des in Bonn am 3. August 1959 unterzeichneten Zusatzabkommens zu dem Abkommen zwischen den Parteien des Nordatlantikvertrages über die Rechtsstellung ihrer Truppen hinsichtlich der in der Bundesrepublik Deutschland stationierten ausländischen Truppen (im folgenden als Zusatzabkommen bezeichnet) Bezug zu nehmen und der Botschaft der Vereinigten Staaten zu bestätigen, daß über die Ausführung dieses Artikels in Form eines Verwaltungsabkommens Einigung erzielt worden ist, das dieser Note als Anlage beigefügt ist und am Tage des Inkrafttretens des Zusatzabkommens wirksam werden soll.

Das Auswärtige Amt wäre der Botschaft für eine Mitteilung dankbar, ob die Streitkräfte der Vereinigten Staaten den Inhalt dieser Note ebenfalls billigen.

Das Auswärtige Amt benutzt diesen Anlaß, die Botschaft der Vereinigten Staaten von Amerika erneut seiner ausgezeichneten Hochachtung zu versichern.

Bonn, den 3. August 1959

[SIEGEL]

An die Botschaft der Vereinigten Staaten
von Amerika

¹ See footnote 1, p. 30 of this volume.

[TRANSLATION — TRADUCTION]

FEDERAL MINISTRY FOR FOREIGN AFFAIRS

GS/Bi — US/2

Note Verbale

[See note II]

Bonn, 3 August 1959

[SEAL]

To the Embassy of the United States of America

II

No. 41

The Embassy of the United States of America has the honor to refer to the Note Verbale (GS/Bi — US/2) of the Federal Ministry for Foreign Affairs dated August 3, 1959, the translation of which reads as follows :

“The Federal Ministry for Foreign Affairs has the honor to refer to Article 42 of the Agreement¹ to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces² with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on August 3, 1959 (hereinafter referred to as the ‘Supplementary Agreement’) and to confirm to the Embassy of the United States of America that agreement has been reached on the implementation of that Article in the terms of the Administrative Agreement attached as Annex to this Note, to become effective on the date of the entry into force of the Supplementary Agreement.

“The Federal Ministry for Foreign Affairs would be grateful if the Embassy would inform the Ministry whether the United States Forces are also in agreement with the contents of this Note.

“The Federal Ministry for Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration.”

The Embassy of the United States of America has the honor to inform the Federal Ministry for Foreign Affairs that the United States Forces are in agreement with the contents of that Note and its Annex.

The Embassy takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration.

W. R. T.

Enclosure : Annex *

Embassy of the United States of America
Bonn/Bad Godesberg, August 3, 1959

¹ United Nations, *Treaty Series*, Vol. 481, p. 262.

² See footnote 3, p. 30 of this volume.

* See p. 73 of this volume.

ANNEX TO THE *NOTE VERBALE* OF THE FEDERAL MINISTRY
FOR FOREIGN AFFAIRS DATED AUGUST 3, 1959 (GS/Bi — US/2)¹

UNITED STATES/GERMAN ADMINISTRATIVE AGREEMENT ON AERIAL PHOTOGRAPHY

Part I

GENERAL

Article 1

CO-OPERATION

In accordance with Article 42 of the Agreement 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 called the Federal Republic), the German authorities and the appropriate authorities of the United States Forces (hereinafter called Headquarters, USAFE) shall co-operate on the implementation procedure laid down in the present Agreement.

Article 2

CHANNELS OF COMMUNICATION

Communications shall be passed by registered letter or by courier or by telephone between the following authorities :

1. *German Authorities*

- (a) Innenministerium des Landes Baden-Württemberg
— Hauptabteilung für Verkehr —
Stuttgari 5
Dorotheenstrasse 6
Telephone : 9 91 21
- (b) Bayerisches Staatsministerium für Wirtschaft und Verkehr
München 22
Prinzregentenstrasse 28
Telephone : 2 83 21
- (c) Senator für Häfen, Schifffahrt und Verkehr der Freien Hansestadt Bremen
Bremen
Kirchenstrasse 4
Telephone : 36 11

¹ See p. 70 of this volume.

- (d) Hessischer Minister für Wirtschaft und Verkehr
Wiesbaden
Kaiser-Friedrich-Ring 75
Landeshaus
Telephone : 4 34 41
- (e) Der Niedersächsische Minister für Wirtschaft und Verkehr
Hannover
Friedrichswall 1
Telephone : 1 65 91
- (f) Der Minister für Wirtschaft und Verkehr des Landes Nordrhein-Westfalen
Düsseldorf
Karltor 8
Telephone : 1 09 71
- (g) Ministerium für Wirtschaft und Verkehr des Landes Rheinland-Pfalz
Mainz
Ludwigstrasse 9
Telephone : 81 51
- (h) Der Minister für Wirtschaft und Verkehr des Landes Schleswig-Holstein
Kiel
Düstern-Brooker-Weg 94-100
Telephone : 4 08 91
2. *United States*
Commander-in-Chief
United States Air Forces, Europe
DCS/Intelligence
Directorate of Collections
Wiesbaden
Telephone : Wiesbaden 5/22 151

Article 3

GENERAL LICENSES

Headquarters, USAFE shall receive copies of all applications for general licenses (*Grunderlaubnisse*) to carry out aerial photography. The copies shall contain :

1. name and address of the firm ;
2. names and addresses of principals of the firm ;
3. nationality of persons indicated in item 2 of this Article ;
4. business function and scope of the firm.

Article 4

SPECIAL LICENSES

The supreme transport authority of the *Land* concerned shall forward to Headquarters, USAFE copies of all applications for special licenses to carry out aerial photography of :

1. areas in which United States installations are situated (as indicated on the accompanying map) ;*
2. any other areas which may in future be notified to the Federal German authorities by Headquarters, USAFE and agreed by the former as subject to permanent or temporary restrictions necessary to safeguard secrecy or military security.

Article 5

DATA REQUIRED

The copies of applications to be forwarded in accordance with Article 4 of the present Agreement shall contain the following data :

1. name and address of firm carrying out aerial photography ;
2. name and address of project sponsor ;
3. names and addresses of photographers and persons engaged in processing the photographs ;
4. purpose for which photographs are required ;
5. details of the object to be photographed together with a map on a scale up to 1:250,000 accurately outlining the area to be covered by the exposures ;
6. flight plan (dates and duration of flight, airfields to be used for take-off and landing, E.T.D., E.T.A., route, altitude, etc.).

Article 6

SECURITY OBJECTIONS

If on grounds of secrecy or military security Headquarters, USAFE objects to the planned aerial photography, the supreme *Land* transport authorities shall be notified within ten days of the receipt of a copy of an application by Headquarters, USAFE. Such notification shall, wherever possible, contain an alternative suggestion for carrying out the projected photography. Where the supreme *Land* transport authorities are unable to accept the security objections raised by Headquarters, USAFE, they shall convene a meeting to discuss the application with representatives of the United States Forces at a mutually agreed time and place before the special license is granted.

Article 7

EXAMINATION OF FILM MATERIAL AND CONTROL MEASURES

1. Where Headquarters, USAFE requests permission from the German authorities to examine the negatives of aerial photographs, such requests shall designate the officers who will carry out such examinations and who will discuss with the German authorities

* Not reproduced.

the measures necessary to safeguard secrecy or military security. When the photographs have been taken, the German authorities shall advise Headquarters, USAFE without delay, giving the following data :

- (a) name of the place where the negatives are to be developed ;
- (b) names and appointments of the competent German officials entrusted with the film material ;
- (c) names and appointments of the competent German officials with whom the necessary measures in respect of the film material are to be discussed.

2. The film material shall be held for ten days at the place of development for examination by the designated officers. The German authorities shall ensure that the film material is not shown or given or sold to any unauthorized person during the period of time between exposure of the film and the carrying out of any measures agreed upon to safeguard secrecy or military security.

Part II

OFFICIAL SURVEY PHOTOGRAPHY

Article 8

APPLICATIONS

Applications for permission to carry out aerial photography commissioned by the German authorities for official survey purposes shall be clearly identified as such and marked "Official Survey Photography". Details to be given when the applications are transmitted to Headquarters, USAFE shall be governed *mutatis mutandis* by Article 5 of the present Agreement.

Article 9

CONSULTATION

Within ten days of the receipt of an application Headquarters, USAFE may request consultation upon it. Such request shall designate the officers who will represent Headquarters, USAFE in the consultation, which shall be convened by the German authorities before any aerial photography is carried out over the areas concerned.

Article 10

CONTROL MEASURES

Representatives of Headquarters, USAFE may be present during the controls exercised by the German authorities in the course of photographic flights, and may also be present when the films are developed. They shall have the right to first access to the

negatives. They shall be granted ten days from the time of the development to determine what measures may be necessary to safeguard the secrecy and security of the installations, equipment, or troop dispositions of the force. The German authorities shall ensure that the film material is not shown or given or sold to any unauthorized person during the period of time between exposure of the film and the carrying out of any measures agreed upon to safeguard secrecy or military security.

E. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO THE PREVENTION OF ABUSES. BONN AND BONN/BAD GODESBERG, 3 AUGUST 1959

I

[GERMAN TEXT — TEXTE ALLEMAND]

AUSWÄRTIGES AMT

GS/Bi — US/3

Verbalnote

Das Auswärtige Amt beehrt sich, auf den Artikel 74 des in Bonn am 3. August 1959 unterzeichneten Zusatzabkommens zu dem Abkommen zwischen den Parteien des Nordatlantikvertrages über die Rechtsstellung ihrer Truppen hinsichtlich der in der Bundesrepublik Deutschland stationierten ausländischen Truppen (im folgenden als Zusatzabkommen bezeichnet) Bezug zu nehmen.

In den Verhandlungen, die im Zusammenhang mit diesem Artikel geführt worden sind, ist Einvernehmen über das deutsch-amerikanische Verwaltungsabkommen zu Artikel 74 Absatz (3) des Zusatzabkommens erzielt worden, das dieser Note als Anlage beigefügt ist.

Dieses Verwaltungsabkommen wird zum gleichen Zeitpunkt wie das vorgenannte Zusatzabkommen in Kraft treten und wird auf Verlangen einer Partei unverzüglich überprüft werden.

Das Auswärtige Amt beehrt sich, der Botschaft der Vereinigten Staaten von Amerika mitzuteilen, daß sich der Bundesminister der Finanzen mit den in dieser Note niedergelegten Vereinbarungen einverstanden erklärt. Das Auswärtige Amt wäre der Botschaft der Vereinigten Staaten von Amerika für eine Mitteilung dankbar, ob die Streitkräfte der Vereinigten Staaten diese Vereinbarungen ebenfalls billigen.

¹ See footnote 1, p. 30 of this volume.

II

No. 42

The Embassy of the United States of America has the honor to refer to the Note Verbale (GS/Bi — US/3) of the Federal Ministry for Foreign Affairs dated August 3, 1959, the translation of which reads as follows :

“The Federal Ministry for Foreign Affairs has the honor to refer to Article 74 of the Agreement¹ to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces² with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on August 3, 1959 (hereinafter referred to as the ‘Supplementary Agreement’).

“In the negotiations which were conducted in connection with this Article, agreement has been reached with respect to the United States-German Administrative Agreement pursuant to paragraph 3 of Article 74 of the Supplementary Agreement, attached to this Note.

“This Administrative Agreement shall enter into force on the same date as the Supplementary Agreement and shall be subject to review without delay upon the request of a Party thereto.

“The Federal Ministry for Foreign Affairs has the honor to inform the Embassy of the United States of America that the Federal Minister of Finance has agreed with the understandings contained in this Note. The Federal Ministry for Foreign Affairs would be grateful to the Embassy of the United States of America if it would inform the Ministry whether the United States Forces are also in agreement.

“The Federal Ministry for Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration.”

The Embassy of the United States of America has the honor to inform the Federal Ministry for Foreign Affairs that the United States Forces are in agreement with the contents of that Note and its Annex.

¹ United Nations, *Treaty Series*, Vol. 481, p. 262.

² See footnote 3, p. 30 of this volume.

The Embassy takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration.

W. R. T.

Enclosure :

Annex¹

Embassy of the United States of America
Bonn/Bad Godesberg, August 3, 1959

¹ See p. 87 of this volume.

ANNEX TO THE NOTE VERBALE OF THE FEDERAL MINISTRY
FOR FOREIGN AFFAIRS DATED AUGUST 3, 1959 (GS/Bi — US/3)¹

UNITED STATES/GERMAN ADMINISTRATIVE AGREEMENT PURSUANT TO PARAGRAPH 3 OF
ARTICLE 74 OF THE SUPPLEMENTARY AGREEMENT

1. *Personnel*

It shall be the policy of the United States Forces (hereinafter referred to as "the force") to employ in sales organizations and clubs no persons who have committed offenses against the customs and tax provisions of the Federal Republic of Germany. To implement this policy, the authorities of the force shall request, in accordance with Article 74 of the Supplementary Agreement, police certificates and extracts from the penal register concerning German nationals who seek such employment. In the hiring or retention of personnel, full consideration shall be given to this information, and to such supplementary information as may be provided by the German authorities.

2. *Rationing*

(a) The authorities of the force shall maintain rationing measures to restrict quantitatively the sale of commodities which are particularly susceptible of illegal introduction into the German economy. The rations allowed to any category of authorized purchasers shall correspond to the reasonable and normal requirements of these persons for the commodities concerned.

(b) The presently established rations of commodities sold through organizations and clubs are shown in the Appendix² to this Agreement. The authorities of the force shall raise these rations only for particular reasons and in consultation with the German authorities. However, increases of rations beyond the levels indicated below shall require the agreement of the German authorities :

- | | |
|---|-------------------------------------|
| (1) Cigarettes | 300 per person per week ; |
| (2) Coffee | 7 lbs per person per month ; |
| (3) Coffee powder (soluble) | 12 oz per family per month ; |
| (4) Tea | 1 ½ lbs per person per month ; |
| (5) Whiskey or Gin | 7 bottles per person per month ; |
| (6) Gasoline | |
| (a) Automobiles of 60 HP* or over | 150 gallons per vehicle per month ; |
| (b) Automobiles of under 60 HP* | 75 gallons per vehicle per month ; |

¹ See p. 83 of this volume.

² See p. 91 of this volume.

* American HP unit.

- (c) Motorcycles, motorbicycles, and motor-scooters 30 gallons per vehicle per month ;
- (d) Aircraft 600 gallons per aircraft per month.

(c) Notwithstanding the provisions of sub-paragraph (b) of this paragraph, the authorities of the force may afford to authorized purchasers special increases in rations to cover :

- (1) increased need for rationed commodities during holiday seasons or on particular social occasions ;
- (2) increased need for rationed commodities when the individual concerned is on authorized travel ;
- (3) personal need for higher consumption of cigarettes in individual cases.

3. *Exchange of Information*

(a) The authorities of the force and the German Customs officials shall exchange all useful information concerning suspected or confirmed offenses against the customs and tax provisions of the Federal Republic.

(b) Upon request, the authorities of the force shall furnish to German Customs officials information concerning the volume and distribution of particular commodities in the sales organizations and clubs. It is understood that such requests shall be made only if there is evidence indicating the illegal introduction of such commodities in commercial quantities into the economy of particular areas of the Federal Republic, and when proper enforcement requires that the sources of such commodities be traced.

4. *Access to Sales Organizations and Clubs for Routine Inspections*

(a) Upon request, and unless precluded by reasons of military security or by Article 53 of the Supplementary Agreement, the authorities of the force shall arrange for joint inspections of the premises of sales organizations and clubs. During such inspections, German Customs officials may observe control procedures governing the disposal of rationed commodities, and may observe spot checks, made in accordance with their requests, of the stocks of such commodities. Requests for the arrangement of such inspections shall be addressed :

- (i) in the case of sales organizations of the European Exchange System, to the appropriate officer in the following list :
 - (a) Munich Central Exchange Officer,
 - (b) Frankfurt Central Exchange Officer,
 - (c) Western Exchange Officer, Mannheim,
 - (d) Bremerhaven Post Exchange Officer,
 - (e) Commander, Ansbach Depot ;

- (ii) in the case of sales organizations of the Air Forces Europe Exchange, to the Base Special Activities Officer of the air base or headquarters concerned, or to the Commander, Detachment No. 5, AFEX, Wiesbaden/Biebrich, as appropriate ;
- (iii) in the case of sales organizations of the United States Navy, to the Commanding Officer of the installation concerned ;
- (iv) in the case of clubs, to the local military commander concerned.

(b) If requested by the German Customs officials, such inspections shall not be announced in advance to the managers, sales personnel, and stockroom employees of the sales organization or club.

5. Access in the Event of Offenses Against the Customs and Tax Provisions of the Federal Republic

(a) The authorities of the force shall assist the German Customs officials in the investigation of offenses against the customs and tax provisions of the Federal Republic.

(b) Where offenses are committed in a sales organization or in a club located within an installation, the Commanding Officer shall, upon notification, grant access to the installation, and provide the German Customs officials with a suitable escort. However, the access and activities of the German Customs officials shall be subject to restrictions imposed by the Commanding Officer to safeguard military secrecy or security. The German Customs officials may take necessary measures within their legal competence.

(c) Where offenses are committed in a sales organization or in a club located outside an installation, the manager of the sales organization or club shall, upon notification, grant access to the premises to the German Customs officials and shall accompany them. The German Customs officials may take necessary measures within their legal competence. In such case, the German Customs officials shall notify the local military commander without delay of the reasons which necessitated the investigation, and of the measures taken.

APPENDIX

Current Ration Levels Governing Sales of Particular Commodities by Organizations and Clubs of the United States Forces to Authorized Purchasers

(1) Cigarettes	200 per person per week
(2) Coffee	5 lbs per person per month
(3) Coffee powder (soluble)	8 oz per family per month
(4) Tea	1 lb per person per month
(5) Whiskey or Gin	5 bottles per person per month

- (6) Gasoline
- (a) Automobiles of 60 HP or over 100 gallons per vehicle per month
 - (b) Automobiles of under 60 HP. 50 gallons per vehicle per month
 - (c) Motorcycles, motorbicycles, and motor-scooters 20 gallons per vehicle per month
 - (d) Aircraft 400 gallons per aircraft per month.
-

F. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO ACCOMMODATION SERVING PUBLIC TRANSPORT AND COMMUNICATIONS. BONN AND BONN/BAD GODESBERG, 3 AUGUST 1959

I

[GERMAN TEXT — TEXTE ALLEMAND]

AUSWÄRTIGES AMT

GS/Bi — US/4

Verbalnote

Das Auswärtige Amt beehrt sich, der Botschaft der Vereinigten Staaten von Amerika mitzuteilen, daß mit dem Inkrafttreten des in Bonn am 3. August 1959 unterzeichneten Zusatzabkommens zu dem Abkommen zwischen den Vertragsparteien des Nordatlantikvertrages über die Rechtsstellung ihrer Truppen hinsichtlich der in der Bundesrepublik Deutschland stationierten ausländischen Truppen (im folgenden als Zusatzabkommen bezeichnet) gemäß Artikel 48 Absatz (2) Satz (2) dieses Abkommens folgendes als vereinbart gelten soll :

Die Bundesregierung ist bereit, den im Bundesgebiet stationierten Truppen der Vereinigten Staaten (im folgenden die amerikanische Truppe genannt) die in den dieser Note beigefügten Anlage A-D genannten Liegenschaften für die bisherige Benutzungsart nach den im Zusatzabkommen, im Unterzeichnungsprotokoll und in dieser Vereinbarung enthaltenen Bedingungen zu überlassen. Diese Liegenschaften werden der amerikanischen Truppe solange überlassen, wie sie für die Erfüllung der Verteidigungsaufgaben benötigt werden oder bis eine geeignete Ersatzliegenschaft zur Verfügung gestellt wird.

¹ See footnote 1, p. 30 of this volume.

Im Falle des Artikels 48 Absatz (5) Buchstabe (b) liegt ein deutsches Interesse vor, wenn aus Gründen des öffentlichen Verkehrs oder betrieblicher Notwendigkeit im Bereich des Verkehrs oder des Post- und Fernmeldewesens eine Liegenschaft benötigt wird. In diesen Fällen finden auf Antrag zwischen den deutschen Behörden und den Behörden der Truppe Verhandlungen zwecks Rückgabe der benötigten Liegenschaften statt. In diesen Verhandlungen werden die beiderseitigen Interessen berücksichtigt.

Das Auswärtige Amt wäre der Botschaft für eine Mitteilung dankbar, ob die amerikanische Truppe den Inhalt dieser Note und deren Anlagen billigt.

Das Auswärtige Amt benutzt diesen Anlaß, die Botschaft der Vereinigten Staaten von Amerika erneut seiner ausgezeichneten Hochachtung zu versichern.

Bonn, den 3. August 1959

[SIEGEL]

An die Botschaft der Vereinigten Staaten
von Amerika

[TRANSLATION — TRADUCTION]

FEDERAL MINISTRY FOR FOREIGN AFFAIRS

GS/Bi — US/4

Note Verbale

[See note II]

Bonn, 3 August 1959

[SEAL]

To the Embassy of the United States of America

II

No. 43

The Embassy of the United States of America has the honor to refer to the Note Verbale (GS/Bi — US/4) of the Federal Ministry for Foreign Affairs dated August 3, 1959, the translation of which reads as follows :

“The Federal Ministry for Foreign Affairs has the honor to confirm to the Embassy of the United States of America that, effective with the entry into force of the Agreement¹ to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces² with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on August 3, 1959 (hereinafter referred to as the ‘Supplementary Agreement’), the following has been agreed pursuant to sentence 2 of paragraph 2 of Article 48 of the Supplementary Agreement :

“The Federal Government is prepared to make available to the Forces of the United States stationed in the Federal territory (hereinafter referred to as the ‘United States Forces’) the accommodation mentioned in Annexes A through D attached to this Note for the same type of utilization as hitherto and under the conditions laid down in the Supplementary Agreement and Protocol of Signature thereto, and in this Note and its Annexes.

“This accommodation shall continue to be available to the United States Forces for so long as required for the fulfillment of the defense mission or until suitable alternative accommodation is made available.

“It is understood that a German interest shall be deemed to exist within the meaning of sub-paragraph (b) of paragraph 5 of Article 48 of the Supplementary Agreement if a unit of accommodation is required for public transport reasons or operational necessity affecting transport or postal and telecommunication services. In such cases negotiations shall, upon request, be entered into between the German authorities and the authorities of the United States Forces with a view to releasing the unit of accommodation in question. In these negotiations the interests of both sides shall be taken into consideration.

“The Federal Ministry for Foreign Affairs would be grateful if the Embassy would inform it whether the United States Forces are also in agreement with the contents of this Note and its Annexes.

“The Federal Ministry for Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration.”

The Embassy of the United States of America has the honor to inform the Federal Ministry for Foreign Affairs that the United States Forces are in agreement with the contents of that Note and its Annexes.

¹ United Nations, *Treaty Series*, Vol. 481, p. 262.

² See footnote 3, p. 30 of this volume.

The Embassy of the United States of America takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration.

W. R. T.

Enclosures :

Annexes A through D¹ to the *Note Verbale*
of the Federal Ministry for Foreign Affairs
of August 3, 1959 (GS/Bi — US/4)

Embassy of the United States of America
Bonn/Bad Godesberg, August 3, 1959

¹ See pp. 99 to 105 of this volume.

ANNEX A TO THE *NOTE VERBALE* OF THE FEDERAL MINISTRY
FOR FOREIGN AFFAIRS OF AUGUST 3, 1959 (GS/Bi — US/4)¹

1. *Accommodation which shall Continue to be Available to the United States Forces*

German Federal Post accommodation made available to the United States Forces within the framework of the provisions of the Forces Convention² and which is still in their possession upon entry into force of the Supplementary Agreement.

2. *Individual Agreements* (Einzelüberlassungsvereinbarungen)

The individual agreements referred to in sub-paragraph (b) of paragraph 3 of Article 48 of the Supplementary Agreement shall be concluded by the Federal Finance Administration (Bundesfinanzverwaltung).

3. *Structural Modifications*

Material structural modifications to accommodation or to alternative accommodation, if any, shall be the subject of agreements concluded on a case-to-case basis between the competent authority of the German Federal Post and the corresponding authorities of the United States Forces.

4. *Special Conditions*

(a) An appropriate rental shall be paid for the rooms made available at the Post-scheckamt, Stephanstrasse 14-16, Frankfurt-on-Main.

(b) In view of the urgent interest of the German Federal Post in the removal of offices of the United States Forces from accommodation at

München, Arnulfstrasse 60, Oberpostdirektion,
Nürnberg, Karolinenstrasse 36, Fernmeldeamt, and
Stuttgart, Lautenschlagerstrasse 17, Oberpostdirektion,

negotiations for the transfer of the above-mentioned United States Forces offices to alternative accommodation will be continued.

ANNEX B TO THE *NOTE VERBALE* OF THE FEDERAL MINISTRY
FOR FOREIGN AFFAIRS OF AUGUST 3, 1959 (GS/Bi — US/4)¹

1. *Accommodation which shall Continue to be Available to the United States Forces*

German Federal Railways accommodation made available to the United States Forces within the framework of the provisions of the Forces Convention and which is still in their possession upon entry into force of the Supplementary Agreement.

¹ See p. 94 of this volume.

² United Nations, *Treaty Series*, Vol. 332, p. 3, and Vol. 481, p. 591.

2. *Individual Agreements* (Einzelüberlassungsvereinbarungen)

The individual agreements referred to in sub-paragraph (b) of paragraph 3 of Article 48 of the Supplementary Agreement shall be concluded by the Federal Finance Administration (Bundesfinanzverwaltung).

3. *Structural Modifications*

Material structural modifications to accommodation or to alternative accommodation, if any, shall be the subject of agreements concluded on a case-to-case basis between the competent authority of the German Federal Railways and the corresponding authorities of the United States Forces.

ANNEX C TO THE *NOTE VERBALE* OF THE FEDERAL MINISTRY FOR FOREIGN AFFAIRS OF AUGUST 3, 1959 (GS/Bi — US/4)¹

1. *Airfields which shall Continue to be Available to the United States Forces*

- (a) Frankfurt-on-Main
- (b) Stuttgart-Echterdingen
- (c) Bremerhaven-Weddewarden
- (d) Karlsruhe
- (e) Mannheim-Neuostheim
- (f) Augsburg-Haunstetterstrasse
- (g) Coburg-Brandensteinebene
- (h) Regensburg-Prüfening
- (i) Darmstadt-Griesheim
- (j) Neu-Ulm/Schwaighofen
- (k) Bayreuth-Bindlacher Berg

The above list proceeds from the assumption that it contains all airfields used by the United States Forces which are destined for civilian air traffic.

2. *Individual Agreements* (Einzelüberlassungsvereinbarungen)

The individual agreements referred to in sub-paragraph (b) of paragraph 3 of Article 48 of the Supplementary Agreement shall be concluded by the Federal Finance Administration (Bundesfinanzverwaltung).

3. *Structural Modifications*

Unless it is, or will be otherwise agreed (e.g., 1(a) and (b) above), structural changes to accommodation or to alternative accommodation, if any, shall be the subject of agreement on a case-to-case basis between the Regional Finance Administration (Oberfinanzdirektion) and the corresponding authorities of the United States Forces to the extent that such alterations might impair the purpose for which the accommodation is designed.

¹ See p. 94 of this volume.

or adversely affect the public interest. No structural modification shall be made by the United States Forces in the joint use portion of airfields if German agencies are responsible for operation and maintenance.

4. *Operation and Maintenance Standards*

In the cases where the German side is, or shall become, responsible for operation and maintenance of airfields (Nos. 1 (e), (f), (g), (h) and (i)), the Federal Government shall ensure that

- (a) the previous standard of maintenance of the flying operations area will be maintained ;
- (b) the previous extent of military flying operations of the United States Forces will not be limited.

5. *Special Conditions*

In making available the airfields listed under Nos. 1 (a), (b) and (e) through (k), the following special conditions shall apply :

Re 1 (a)

Special conditions shall be laid down in the individual agreements referred to in subparagraph (b) of paragraph 3 of Article 48 of the Supplementary Agreement.

Re 1 (b)

Special conditions shall be laid down in the individual agreements referred to in subparagraph (b) of paragraph 3 of Article 48 of the Supplementary Agreement.

Re 1 (e)

Continued availability shall be restricted to the buildings lying at the north-eastern perimeter of the airfield. (In March 1959 they were occupied by a motor pool and a signal facility.) The use of the airfield itself, maintained and operated by the Badisch-Pfälzischer Flugbetrieb A.G., may be shared by the United States Forces.

Re 1 (f)

The use of the airfield may be shared by civilian aircraft owners (*Luftfahrzeughalter*) to the same extent as hitherto.

It is agreed that the United States Forces shall release the airfield as soon as an appropriate alternative airfield near Mühlhausen has been made available to them. The use of this alternative airfield, to be maintained and operated by the Municipality of Augsburg, may be shared by the United States Forces.

Re 1 (g)

The United States Forces may share the use of the flying operation areas maintained and operated by German agencies.

Re I (h)

The use of the airfield may be shared by civilian aircraft owners (*Luftfahrzeughalter*) to the same extent as hitherto.

It is agreed that the United States Forces shall release the airfield as soon as an appropriate alternative airfield has been made available to them. The use of such alternative airfield to be maintained and operated by the Municipality of Regensburg may be shared by the United States Forces.

Re I (i)

Limited joint use of the airfield shall be permitted to persons authorized by the Technische Hochschule Darmstadt for their powered aircraft for such time as the special military installation is located on the airfield.

After transfer of the special military installation an agreement shall be made on joint use for United States military and German civilian purposes.

Re I (j)

The use of the airfield may be shared by civilian aircraft to a small extent.

Re I (k)

The conditions of joint use of this airfield by civilian aircraft owners (*Luftfahrzeughalter*) shall be the subject of a special agreement.

ANNEX D TO THE NOTE VERBALE OF THE FEDERAL MINISTRY
FOR FOREIGN AFFAIRS OF AUGUST 3, 1959 (GS/Bi — US/4)¹

1. *Accommodation of the Road Construction Authorities (Straßenbauverwaltungen) which shall Continue to be Available to the United States Forces*
 - (a) The Strassenmeisterei, Bad Hersfeld
 - (b) The Strassenmeisterei, Mannheim-Seckenheim
 - (c) That part of the Strassenmeisterei at Durlach hitherto used
 - (d) The filling station at Kassel-Ost (west side) with snack bar
 - (e) The filling station at Kirchheim (west side) with snack bar
 - (f) The filling station at Frankfurt-on-Main/Nord (east side) with snack bar
 - (g) The filling station at Mannheim-Seckenheim (east side) with snack bar
 - (h) The filling station at Pforzheim-Ost (south side) with snack bar
 - (i) The filling station at Gruibingen (north side) with snack bar
 - (j) The Motel at Drackensteiner Hang (north side)
 - (k) The filling station at Augsburg-Nord (south side) with snack bar

¹ See p. 94 of this volume.

- (l) The filling station at Ingolstadt (west side) with snack bar
- (m) The filling station at Chiemsee (south side)
- (n) The Chiemsee Motel

2. *Individual Agreements* (Einzelüberlassungsvereinbarungen)

The individual agreements referred to in sub-paragraph (b) of paragraph 3 of Article 48 of the Supplementary Agreement shall be concluded by the superior road construction authorities (Strassenbaubehörden) of the *Länder*.

3. *Structural Modifications*

Unless otherwise agreed, structural modifications to the accommodation or alternative accommodation, if any, shall be made only in agreement with the appropriate road construction authority.

4. *Special Conditions*

Re I (g)

The United States Forces shall release the accommodation as soon as the agreed upon alternative filling station and snack bar are available for occupancy.

Re I (h), (i) and (j)

The United States Forces shall release these accommodations as soon as the agreed upon alternative filling station and snack bar are available for occupancy.

G. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO GOVERNMENT CORPORATIONS. BONN AND BONN/BAD GODESBERG, 3 AUGUST 1959

I

[GERMAN TEXT — TEXTE ALLEMAND]

AUSWÄRTIGES AMT

GS/Bi — US/5

Verbalnote

Das Auswärtige Amt beehrt sich, der Botschaft der Vereinigten Staaten von Amerika mitzuteilen, daß die Bundesregierung bereit ist, den im Bundesgebiet stationierten Streitkräften der Vereinigten Staaten mit Wirkung vom Tage des Inkrafttretens des am 3. August 1959 in Bonn unterzeichneten Zusatzabkommens zu dem Abkommen zwischen den Vertragsparteien des Nordatlantikvertrages über die Rechtsstellung ihrer Truppen hinsichtlich der in der Bundesrepublik Deutschland stationierten ausländischen Truppen (im folgenden als Zusatzabkommen bezeichnet) und gemäß Absatz (5) des Abschnitts des Unterzeichnungsprotokolls zu Artikel 63 des Zusatzabkommens die in der Anlage zu dieser Note aufgeführten Liegenschaften miet- und pachtfrei verfügbar zu machen.

Dabei wird davon ausgegangen, daß Artikel 63 Absatz (4) Buchstabe (d) des Zusatzabkommens entsprechend anzuwenden ist.

Es ist ferner vereinbart worden, daß die in der Anlage aufgeführten Liegenschaften den Streitkräften der Vereinigten Staaten so lange überlassen bleiben, als es die Erfüllung ihrer Verteidigungsaufgabe erfordert oder bis geeignete Ersatzliegenschaften verfügbar gemacht werden.

Das Auswärtige Amt wäre der Botschaft für eine Mitteilung dankbar, ob sie mit dem Inhalt dieser Note einverstanden ist.

¹ See footnote 1, p. 30 of this volume.

II

No. 44

The Embassy of the United States of America has the honor to refer to the Note Verbale (GS/Bi — US/5) of the Federal Ministry for Foreign Affairs dated August 3, 1959, the translation of which reads as follows :

“The Federal Ministry for Foreign Affairs has the honor to inform the Embassy of the United States of America that, effective with the entry into force of the Agreement¹ to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces² with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on August 3, 1959 (hereinafter referred to as the ‘Supplementary Agreement’), and pursuant to paragraph 5 of the Section of the Protocol of Signature referring to Article 63 of the Supplementary Agreement, the Federal Republic is prepared to make available rent-free to the Forces of the United States stationed in the Federal territory the accommodation listed in the Annex to this Note.

“It is understood that sub-paragraph (d) of paragraph 4 of Article 63 of the Supplementary Agreement shall apply *mutatis mutandis*.

“It is further agreed that the accommodation listed in the Annex may be retained by the Forces of the United States for so long as required for the fulfilment of their defense mission or until suitable alternative accommodation is made available.

“The Federal Ministry for Foreign Affairs would be grateful if the Embassy would inform it whether the Embassy is in agreement with the contents of this Note.

“The Federal Ministry for Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration.”

¹ United Nations, *Treaty Series*, Vol. 481, p. 262.

² See footnote 3, p. 30 of this volume.

The Embassy of the United States of America has the honor to inform the Federal Ministry for Foreign Affairs that it is in agreement with the contents of that Note.

The Embassy of the United States of America takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration.

W. R. T.

Enclosure :

Annex to the *Note Verbale*
of the Federal Ministry for Foreign Affairs
of August 3, 1959 (GS/Bi — US/5).

Embassy of the United States of America
Bonn/Bad Godesberg, August 3, 1959

ANNEX TO THE *NOTE VERBALE* OF THE FEDERAL MINISTRY
FOR FOREIGN AFFAIRS OF AUGUST 3, 1959 (GS/Bi — US/5)¹

<i>Kind of Accommodation</i>	<i>Location</i>	<i>Owner</i>
1. POL Depot (including rail tracks at Freiham near Munich)	Unterpfaffenhofen near Munich	WIFO
2. POL Depot (including dock area)	Farge-Bremen	WIFO
3. Warehouse, Fieseler Plant II	Kassel-Lohfelden	IVG
4. Open land (two items)	Argelsried near Munich	WIFO
5. Open land (rail tracks including marshaling yard Roennebeck and oil pipe lines in the ground)	Farge-Bremen	WIFO

¹ See p. 109 of this volume.

H. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO MAINTENANCE CLAIMS. BONN AND BONN/BAD GODESBERG, 3 AUGUST 1959

I

No. 45

The Embassy of the United States of America has the honor to confirm to the Federal Ministry for Foreign Affairs the approval by the forces of the United States of the understanding reached in an exchange of memoranda² between the United States Delegation and the German Delegation to the Status of Forces Conference on the subject of maintenance claims. Copies of the memoranda together with a summary of the discussions³ in connection therewith are enclosed. The forces of the United States will make the necessary arrangements to carry out the measures envisaged in the memoranda.

The Embassy of the United States of America takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration.

Enclosures :

1. Memorandum of the German Delegation of April 18, 1956
2. Memorandum of the United States Delegation of February 4, 1957
3. Memorandum of the United States Delegation of June 5, 1958
4. Summary of Discussions, December 6, 1958

W. R. T.

Embassy of the United States of America
Bonn/Bad Godesberg, August 3, 1959

II

[GERMAN TEXT — TEXTE ALLEMAND]

AUSWÄRTIGES AMT

DS/Bi — US/6

Verbalnote

Das Auswärtige Amt beehrt sich, auf die Verbalnote Nr. 45 der Botschaft der Vereinigten Staaten von Amerika vom 3. August 1959 Bezug zu nehmen, deren Übersetzung wie folgt lautet :

¹ See footnote 1, p. 30 of this volume.

² See pp. 116, 122 and 126 of this volume.

³ See p. 126 of this volume.

„Die Botschaft der Vereinigten Staaten von Amerika beehrt sich, dem Auswärtigen Amt zu bestätigen, daß die Streitkräfte der Vereinigten Staaten mit dem Übereinkommen, das durch einen Austausch von Memoranden zwischen der Delegation der Vereinigten Staaten und der Deutschen Delegation bei der Truppenvertragskonferenz auf dem Gebiet der Unterhaltsansprüche erzielt wurde, einverstanden sind. Abschriften der Memoranden sowie eine Zusammenfassung der in diesem Zusammenhang geführten Erörterungen sind beigelegt. Die Streitkräfte der Vereinigten Staaten werden die erforderlichen Schritte unternehmen, um die in den Memoranden in Aussicht genommenen Maßnahmen auszuführen.“

Das Auswärtige Amt hat die Ehre, der Botschaft der Vereinigten Staaten zur Kenntnis zu bringen, daß es mit dem Inhalt dieser Note einverstanden ist.

Das Auswärtige Amt benutzt diesen Anlaß, die Botschaft der Vereinigten Staaten von Amerika erneut seiner ausgezeichneten Hochachtung zu versichern.

Bonn, den 3. August 1959

[SIEGEL]

An die Botschaft der Vereinigten Staaten
von Amerika

[TRANSLATION — TRADUCTION]

MINISTRY OF FOREIGN AFFAIRS

GS/Bi — US/6

Note Verbale

The Ministry of Foreign Affairs has the honour to refer to *note verbale* No. 45 of the Embassy of the United States of America dated 3 August 1959, which reads as follows :

[*See note I*]

The Ministry of Foreign Affairs has the honour to inform the Embassy of the United States that it is in agreement with the terms of this note.

The Ministry of Foreign Affairs takes this opportunity, etc.

Bonn, 3 August 1959

[SEAL]

The Embassy of the United States of America

ANNEX 1 TO THE *NOTE VERBALE* OF THE EMBASSY OF THE UNITED STATES OF AMERICA DATED AUGUST 3, 1959¹

GERMAN DELEGATION TO THE STATUS OF FORCES CONFERENCE

Bonn, April 18, 1956

*MAINTENANCE CLAIMS**Memorandum submitted by the German Delegation*

I

The problem of maintenance claims of illegitimate children against members of the non-German forces stationed in the Federal Republic, while contingent upon the special conditions of stationment existing in the Federal territory, is pre-eminently important from numerous considerations of a domestic, social and economic nature.

It is a problem to which the German public pays particular attention. Letters from both official and private quarters in which this concern is reflected have been and continue to be addressed to the Federal Government. Moreover, the Federal Government has repeatedly—in fact, quite recently again—been called upon by the Bundestag to pay quite particular attention to the solution of this problem.

The significance of the question will appear from the following figures. It would, however, at once seem necessary to point out that the Federal Government was unable to establish the precise statistical total of the children here involved. Allowing for this uncertainty the total number of occupation children was determined to amount to approximately 68,000. Of this number, approximately 55% (37,255) are children of U. S. nationals. Next in number are: France (10,201), the U. K. (8,441), Belgium (1,770), Canada (470), the Netherlands (360), Norway (149), Denmark (123). The remainder is accounted for by nationals of countries not represented at this Conference, or includes children the nationality of whose fathers could not be determined conclusively. 49,385, i. e. 73% of the children so far counted live with their mothers, 9,011 live with maternal relatives of the first and the second degree, 4,862 with other families or distant relatives, and only 4,501—scarcely 7%—are in public homes. 21,104 children (31%) are either partly or totally maintained from public funds; of this number 15,479 (23%) are fully maintained from public funds. 46,623, approximately 70%, are maintained independently by their mothers or by relatives without any contribution from public funds.

Paternity was acknowledged by fathers in the case of 4,502 children (scarcely 7%). The physical and mental welfare in general and the financing of the maintenance, education and vocational training in particular of these illegitimate children have increasingly aroused the interest and concern of the German public in the past few years. Thus, it is pointed out that although German sovereignty was restored and the principle recognized in respect of civil law disputes that German jurisdiction extends over members of the forces, almost all endeavors on the part of mothers entitled to custody and of the

¹ See p. 114 of this volume.

competent Youth Offices (Jugendaemter) to obtain judgment against the father of an illegitimate child through the court competent for his garrison in the Federal Republic have almost invariably proved unsuccessful in the past.

Conversely, it should be pointed out in this connection that, while any maintenance claims of German children against non-German fathers are thus extremely difficult to enforce, such claims of non-German children against fathers living in Germany may be enforced without any major difficulty. Where the father of the child is a soldier, enforcement of the judgment is possible even in the form of attachment of the soldier's pay. This applies even if the mother and the child are resident outside of Germany.

Therefore, the German wish that a solution should be found in co-operation with the Delegations of the sending States whereby the illegitimate child of a member of the forces should not remain unprotected would seem to be a reasonable and justified concern. It is the opinion of the German side that illegitimate children whose fathers are members of the forces should be afforded the same possibilities with respect to the enforcement of their maintenance claims as are available to illegitimate children of non-German nationality in Germany. It should be in the general interest to find a satisfactory solution to this pre-eminently humane concern.

II

The following comments are added in explanation of the proposals laid down at the end of this memorandum :

The particular difficulty involved in the enforcement of maintenance claims consists in the fact that under German law such claims extend over a period of 16 years, whereas normally the father may be supposed to leave the territory of the Federal Republic after a comparatively short period of time. Therefore, the German Delegation considers it to be particularly important that the question of paternity should be clarified at the earliest possible time and without recourse to a court. Under German law, the person claimed to be the father of an illegitimate child is summoned to appear before the German Youth Office (Jugendamt) or the Guardianship Court (Vormundschaftsgericht), where he is asked whether he is prepared to acknowledge paternity. This method has the merit of avoiding unnecessary law suits and of limiting the number of difficulties for all parties concerned. In particular, the method offers the possibility of discussing the question of a global payment (capitalization of the maintenance annuity) provided for under German law. If the person concerned commits himself to the payment of such global amount—if necessary in specified installments—and if such payments are effected, the execution of the claim is rendered unnecessary ; on the other hand, no further court or other action need then be anticipated by the person under the claim of being the father. The German Delegation would greatly appreciate, therefore, if the military authorities were to ensure that summonses for members of the forces or the civilian component to appear before

German Youth Offices and Guardianship Courts are obeyed. To this effect, the assistance of the Liaison Agency to be designated in conformity with Part I, paragraph 1 of document SC/WD/124* would be of importance, particularly where the person under a claim has been transferred in the meantime. Further, in the case of the person under a claim acknowledging paternity, it would seem most desirable that the military authorities exert their influence to the effect that liability for payment of a capitalized annuity is assumed by the person concerned and that this obligation is fulfilled in practice.

Where paternity is not voluntarily acknowledged and payment not effected, the German Delegation would attach particular importance to ensuring that any maintenance claims established by court shall be successfully enforced. In the opinion of the German Delegation, the general settlement with regard to the attachment of pay, provided in document SC/WD/124**, Part III, paragraph 3, is not sufficient for this purpose. It is the understanding of the German Delegation that special possibilities have been provided in the domestic laws of certain sending States with a view to facilitating the enforcement of maintenance claims. The German Delegation would greatly appreciate it if these possibilities could be made available for the enforcement of judgments delivered in maintenance proceedings by German courts. In the view of the German Delegation, there would thus be afforded a basis on which a settlement providing for the attachment of remunerations under an enforceable maintenance decision issued by a court might be negotiated. The German interests would equally be satisfied if the military authorities would agree to effect a direct transfer of a specified portion of remunerations to the claimant. If a statement by the person under obligation is required for this purpose, the military authorities should exert their influence to the effect that such a statement is made.

If, during the period of time in which the person under obligation is present in the Federal Republic, the two aforementioned possibilities do not result in the fulfillment of the total maintenance claim, the German side considers it necessary to provide for easy enforcement of a German maintenance claim in the country of the person concerned. To this effect, the German Delegation would attach particular importance to the recognition that in such cases the jurisdiction of German courts is applicable in conformity with Article VIII, paragraph 9 of the NATO Status of Forces Agreement.¹ This should ensure that the recognition of such enforceable German claims could not be denied abroad on the allegation that German jurisdiction had not existed.

Further, the German Delegation would be grateful if the sending States were to declare, within the framework of the Status of Forces Conference, that the authorities of the sending States will do everything in their power to facilitate the enforcement of maintenance claims.

* Now paragraph 1 of Article 32 of the Supplementary Agreement.

** Now Article 34 of the Supplementary Agreement.

¹ See footnote 3, p. 30 of this volume.

III

On the basis of the foregoing comments, the German Delegation herewith submits the following proposals for consideration :

MAINTENANCE CLAIMS

1. Part I, paragraph 5 of the Supplementary Arrangement concerning Non-criminal Jurisdiction and Procedure — SC/WD/124 — should be supplemented as follows :

The military authorities undertake to ensure that summonses for members of their force or civilian component to appear before a German Guardianship Court (Vormundschaftsgericht) or Youth Office (Jugendamt) shall be obeyed. If liability for maintenance is acknowledged by the person summoned, the military authorities shall require such person to discharge such liability, if in any way possible, by a global payment.

2. Part III, paragraph 3 of document SC/WD/124 should be supplemented as follows :

As far as is necessary for the fulfillment of a maintenance liability established by a German court, the military authorities shall require the person under obligation to satisfy the claim by direct payment to the person entitled of a part of his remuneration. Otherwise, the remunerations mentioned in paragraph 3, sentence 1, shall in such cases be subject to attachment, garnishment, or other form of execution ordered by a German court or authority.

3. The sending States recognize that judgments rendered by German courts in respect of maintenance claims shall be deemed to have been rendered in accordance with the jurisdiction which these courts enjoy under the provisions of Article VIII, paragraph 9 of the NATO Status of Forces Agreement. The authorities of the sending States shall extend any assistance in their power in order to ensure the enforcement of such judgments in their countries.

ANNEX 2 TO THE *NOTE VERBALE* OF THE EMBASSY OF THE UNITED STATES
OF AMERICA DATED AUGUST 3, 1959¹

Bonn, February 4, 1957

UNITED STATES DELEGATION TO THE STATUS OF FORCES CONFERENCE

MAINTENANCE CLAIMS

Memorandum of the United States Delegation

The United States Delegation has given careful consideration to the memorandum of the German Delegation of April 18, 1956² concerning the question of the maintenance

¹ See p. 114 of this volume.

² See p. 116 of this volume.

of illegitimate children. The United States Delegation is conscious of the concern of the Federal Government for the welfare of these children and appreciates the social and economic problems attending their care and support.

In its memorandum of April 18, 1956 the German Delegation requests the co-operation of the sending States in assisting the German authorities to require fathers of these children to meet their financial obligations for their maintenance. The memorandum proposes that this co-operation should be expressed in the Supplementary Arrangements to the NATO Status of Force Agreement in terms of an undertaking on the part of the military authorities of the sending States to take certain measures designed to compel the serviceman concerned to satisfy maintenance obligations.

In this discussion which began May 12, 1956 the United States representatives pointed out that the United States military authorities do not have the powers of civil courts to enforce or execute judicial orders or decrees. In this connection United States law does not permit the military authorities to withhold the pay of a serviceman to satisfy maintenance obligations unless the man consents. The competence of the United States military authorities to require satisfaction of maintenance obligations is limited to subjecting their personnel to disciplinary action when the failure to meet their obligations constitutes dishonorable conduct to bring discredit upon the military service. The adjudication and enforcement of rights and obligations of parties in paternity cases is essentially a matter for the German courts. While present in the Federal territory personnel of the United States Armed Forces are subject to German civil jurisdiction. On the basis of new regulations military authorities will co-operate with German officials in serving process on members named in paternity suits and will also serve any judgment which the court may render.

The military authorities are in a position to exert strong efforts to work out voluntary settlements of maintenance problems. The co-operation and assistance of the military authorities at this early stage of case prior to recourse to legal remedies would contribute to the wish of the German authorities to avoid wherever possible having maintenance cases brought before the courts.

In order to facilitate voluntary settlements the United States Delegation suggests that the Liaison Agency for the service of process in civil actions be used as a convenient channel for communicating notices of maintenance cases pending before the German Youth Offices (*Jugendaemter*). This will enable the unit commander to be informed of the case and to inquire whether the serviceman concerned is disposed to acknowledge his obligations toward the child. While the military authorities cannot coerce or in any way compel a settlement, the unit commander will take all appropriate measures to encourage and facilitate voluntary settlements where the serviceman concerned is willing to enter into such arrangements. Co-operation and assistance of this nature will, in the view of the United States Delegation, facilitate the task of the German authorities in providing care and support to these children.

ANNEX 3 TO THE *NOTE VERBALE* OF THE EMBASSY OF THE UNITED STATES
OF AMERICA DATED AUGUST 3, 1959¹

Bonn, June 5, 1958

UNITED STATES DELEGATION TO THE STATUS OF FORCES CONFERENCE

MAINTENANCE CLAIMS

Memorandum of the United States Delegation

The United States Delegation has given further consideration to the question of the maintenance of illegitimate children and is now in a position to supplement its memorandum of February 4, 1957² in the following respects :

The United States military authorities will give the same degree of assistance in respect of judicial orders or decrees of financial support rendered by German courts of competent jurisdiction as is given in the case of similar orders or decrees rendered by United States courts of competent jurisdiction. In addition other assistance will be furnished with respect to personnel who are no longer on active duty. The procedures for carrying out these measures are treated in detail in service regulations which have recently been published. Copies of the regulations issued by the Department of the Army are enclosed.

With respect to the related problem concerning appropriate measures to encourage and facilitate voluntary settlements, the unit commander will advise the military person concerned of the various methods in which such settlements may be effected, including a periodic allotment of pay, a lump sum settlement or a settlement agreement worked out in co-operation with a German Youth Office (Jugendamt). The choice of these or other arrangements for voluntary financial support rests entirely with the military person concerned.

ANNEX 4 TO THE *NOTE VERBALE* OF THE EMBASSY OF THE UNITED STATES
OF AMERICA DATED AUGUST 3, 1959¹

Bonn, December 6, 1958

SUMMARY OF DISCUSSIONS BETWEEN THE UNITED STATES AND GERMAN DELEGATIONS
ON MAINTENANCE CLAIMS FOR ILLEGITIMATE CHILDREN

Within the framework of the negotiations for the conclusion of Supplementary Arrangements to the NATO Status of Forces Agreement, the United States and German Delegations have examined the problem of maintenance claims for illegitimate children of members of foreign forces stationed in the Federal territory and have discussed the

¹ See p. 114 of this volume.

² See p. 122 of this volume.

subject in detail. They have borne in mind the importance attaching not only to the political, but also to the social and economic aspects of the problem. Both Delegations have therefore used their best endeavors to overcome the obstacles, especially legal obstacles, to the lodging of maintenance claims.

In the negotiations, the United States Delegation has proceeded from the principle of American policy which provides that payment of maintenance in the absence of a judgment must be voluntary in nature—that is, the military authorities are not competent under United States law to order or enforce the payment of maintenance. Against this, the United States Delegation stated emphatically that the United States military authorities were prepared to use their best endeavors to bring about a voluntary settlement in maintenance cases. The results of the negotiations conducted in the light of these preliminaries may be summarized as follows :

1. The relevant United States regulations (Army Regulations Nos. 608-99 of 7 March 1958, identical in substance with the corresponding regulations for the Air Force and the Navy) settle the details of the procedure for co-operation by United States military authorities in maintenance cases. According to these Regulations the responsible commanding officer shall take steps before the institution of court proceedings, to provide the child's father with an opportunity of voluntarily admitting or denying paternity, and to give him the opportunity of making a statement as to whether he is prepared to pay maintenance for the child or to give other financial support.

2. Where the father of a child fails to make a statement regarding paternity, the commanding officer is required under the Army Regulations referred to above to advise the mother accordingly.

3. Where a soldier makes an affirmative statement as in paragraph 1 above, the said Army Regulations regulate the subsequent action to be taken by the commanding officer. He is required to request the child's mother to submit a certificate as to her pregnancy, or a copy of the birth certificate if the child is born. Upon receipt of the document or documents in question, the military authorities shall provide the soldier with certain administrative facilities in order to implement his voluntarily assumed obligation to pay maintenance. The commanding officer is required to inform the person entitled to maintenance of these arrangements.

4. In addition to this procedure under Army Regulations, the military authorities shall take appropriate measures to encourage and facilitate the voluntary settlement of maintenance claims, soldier's salary, payment of a lump sum, or including a periodic allotment of pay from the payment of maintenance based on an agreement worked out in co-operation with the German Youth Office (Jugendamt).

5. Apart from this action by the military authorities, the responsible German authorities are to be at liberty to communicate with the child's father, for example, to visit him at his barracks, to discuss the question of maintenance payments with him.

6. With regard to court proceedings over maintenance claims, the United States Delegation has specifically confirmed that German civil courts have jurisdiction to try cases arising in the Federal Republic against United States military personnel.

7. Regarding the service of summons, that is, the initiation of proceedings before a German court, and the summons of witnesses, detailed provisions were worked out in the course of the main negotiations (especially Articles 32 and 37) which settle details of service procedure as against Article 9 of the current Forces Convention.¹

8. Regarding the support to be given by the military authorities in the execution of maintenance judgments of German courts, the Army Regulations mentioned above were substantially changed in the course of the negotiations. The military authorities shall give now the same assistance to decisions of German courts as they have to support decisions of American courts; that is, the commanding officer has to advise the child's father of his moral and legal obligations and to encourage him to render the necessary financial support to the child. In addition, the commanding officer has to take any other action that would be proper in the circumstances or as required by the court judgment; he may also bring a disciplinary charge against the soldier if all efforts to implement the court's decree have been fruitless.

9. Under paragraph 1 of Article 34 of the new Supplementary Agreement, military authorities are required to accord every means of support at their disposal to assist in implementing court judgments, decisions and orders, whilst Article 10 of the current Forces Convention merely places the authorities of the force under an obligation to provide assistance in the implementation of judgments, decisions and orders insofar as service regulations permit. The United States Delegation could not concede the possibility of holding the pay of the father of a child to satisfy a court order for maintenance, since American law specifically prohibits the military authorities from withholding a United States soldier's pay without his consent, even in the case of a judgment rendered by a United States court.

10. Under paragraph 4 of Article 34 of the Supplementary Agreement² to the NATO Status of Forces Agreement, enforcements within an installation are to be effected by the German enforcement officer in the presence of a representative of the force, whilst under paragraph 2 of Article 10 of the present Forces Convention the authorities of the force are required to comply with a request for the implementation or an enforcement within an installation only "if possible".

The two Delegations consider that the foregoing results of their negotiations indicate substantial improvements; they hope that many of the difficulties that have arisen in the past regarding the settlement of maintenance claims will thus have been removed.

¹ United Nations, *Treaty Series*, Vol. 332, p. 3, and Vol. 481, p. 591.

² United Nations, *Treaty Series*, Vol. 481, p. 262.

I. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO CONSTRUCTION (ADMINISTRATIVE AGREEMENTS). BONN AND BONN/BAD GODESBERG, 3 AUGUST 1959

I

[GERMAN TEXT — TEXTE ALLEMAND]

AUSWÄRTIGES AMT

GS/Bi — US/7

Verbalnote

Das Auswärtige Amt beehrt sich, auf Artikel 49 Absatz (2), (3) und (6) Buchstabe (i) des am 3. August 1959 unterzeichneten Zusatzabkommens zu dem Abkommen zwischen den Parteien des Nordatlantikvertrages über die Rechtsstellung ihrer Truppen hinsichtlich der in der Bundesrepublik Deutschland stationierten ausländischen Truppen (im folgenden als Zusatzabkommen bezeichnet) Bezug zu nehmen und zu erklären, daß die nachstehend aufgeführten Übereinkommen und Kontrakte besondere Verwaltungsabkommen im Sinne der vorstehend genannten Bestimmungen des Zusatzabkommens sind :

1. Übereinkommen über die Durchführung der Baumaßnahmen der in der Bundesrepublik Deutschland stationierten US-Streitkräfte auf Grund des Artikels 40 des Truppenvertrages vom 26. Mai 1952 in der Fassung des Protokolls über die Beendigung des Besatzungsregimes in der Bundesrepublik Deutschland vom 23. Oktober 1954 (Deutsch-amerikanische Auftragsbauten-Grundsätze 1955 ABG 1955 —) laut Briefwechsel vom 13. Dezember 1955/17. Februar 1956 ;
2. Festpreis- und Kostenerstattungs-Grundkontrakt für Architekten-, Ingenieur- und Bauleistungen (DBK 1956) laut Briefwechsel vom 8. August 1956/27. Oktober 1956 ;
3. Übereinkommen über die Entschädigung der deutschen Bauverwaltung (DBV) bei der Durchführung von Baumaßnahmen der amerikanischen Streitkräfte (Deutsch-amerikanische Bauleistungsmittel-Grundsätze) 1956 (BMG 1956) laut Briefwechsel vom 20. Oktober 1956/12. Dezember 1956.

¹ See footnote 1, p. 30 of this volume.

Hinsichtlich des in Absatz 2 angeführten Übereinkommens besteht Einverständnis darüber, daß die Streitkräfte der Vereinigten Staaten ihren Bedarf an Gütern und Leistungen in Verbindung mit Bauarbeiten durch unmittelbare Vergabe im Rahmen des Artikels 49 Absatz (3) des Zusatzabkommens zu decken berechtigt sein sollen; es wäre jedoch begrüßenswert, wenn die Streitkräfte nur in Ausnahmefällen von dieser Möglichkeit Gebrauch machen würden.

Das Recht der amerikanischen wie der deutschen Seite, durch neue Vereinbarungen die genannten Verwaltungsabkommen und den zugehörigen Briefwechsel zu ändern und zu ergänzen, bleibt unberührt.

Das Auswärtige Amt wäre der Botschaft der Vereinigten Staaten von Amerika für eine Mitteilung dankbar, ob die Streitkräfte der Vereinigten Staaten den Inhalt dieser Note billigen.

Das Auswärtige Amt benutzt auch diesen Anlaß, die Botschaft der Vereinigten Staaten von Amerika erneut seiner ausgezeichneten Hochachtung zu versichern.

Bonn, den 3. August 1959

[SIEGEL]

An die Botschaft der Vereinigten Staaten
von Amerika

[TRANSLATION — TRADUCTION]

THE FEDERAL MINISTRY FOR FOREIGN AFFAIRS

GS/Bi — US/7

Note Verbale

[See note II]

Bonn, 3 August 1959

[SEAL]

To the Embassy of the United States of America

II

No. 46

The Embassy of the United States of America has the honor to refer to the Note Verbale (GS/Bi — US/7) of the Federal Ministry for Foreign Affairs dated August 3, 1959, the translation of which reads as follows :

“The Federal Ministry for Foreign Affairs has the honor to refer to paragraphs 2, 3 and sub-paragraph (i) of paragraph 6 of Article 49 of the Agreement¹ to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces² with respect to Foreign Forces stationed in the Federal Republic of Germany, signed at Bonn on August 3, 1959 (hereinafter referred to as the ‘Supplementary Agreement’), and to state that the agreements and contracts listed below are special Administrative Agreements within the meaning of the above-mentioned provisions of the Supplementary Agreement :

- “1. Memorandum of Understanding concerning the implementation of construction projects of the United States Forces stationed in the Federal Republic of Germany, under Article 40 of the Forces Convention, dated 26 May 1952,³ as amended by the Protocol on the Termination of the Occupation Regime in the Federal Republic of Germany, signed on 23 October 1954⁴ (Principles for German/United States Support Projects 1955 — ABG 1955), pursuant to Exchange of Letters of 13 December 1955/17 February 1956 ;
- “2. Fixed Price/Cost Reimbursement Architect-Engineer-Construction Basic Contract (DBK 1956) pursuant to Exchange of Letters of 8 August 1956/27 October 1956 ;
- “3. Memorandum of Understanding concerning the compensation of the Deutsche Bauverwaltung (DBV) for the implementation of Construction Projects of the United States Forces (German-American Principles concerning Construction Planning Supervision and Inspection Fees) 1956 (BMG 1956) pursuant to Exchange of Letters of 20 October 1956/12 December 1956.

“With respect to the Agreement listed under 2 above, it is agreed that the United States Forces shall be entitled to satisfy their requirements for goods and services in connection with construction work through direct procurement within the framework of paragraph 3 of Article 49 of the Supplementary Agreement ; it would, however, be appreciated if the Forces would make use of this possibility only in exceptional cases.

“The right both on the American and German side to amend or supplement the Administrative Agreements and the Exchanges of Letters pertaining thereto by new Agreements shall remain unaffected.

“The Federal Ministry for Foreign Affairs would be grateful if the Embassy of the United States of America would inform the Ministry whether the United States Forces are in agreement with the contents of this Note.

¹ United Nations, *Treaty Series*, Vol. 481, p. 262.

² See footnote 3, p. 30 of this volume.

³ United Nations, *Treaty Series*, Vol. 332, p. 3, and Vol. 481, p. 591.

⁴ United Nations, *Treaty Series*, Vol. 331, p. 253.

“The Federal Ministry for Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration.”

The Embassy of the United States of America has the honor to inform the Federal Ministry for Foreign Affairs that the United States Forces are in agreement with the contents of that Note.

The Embassy takes this opportunity to renew to the Federal Ministry for Foreign Affairs the assurance of its high consideration.

W. R. T.

Embassy of the United States of America
Bonn/Bad Godesberg, August 3, 1959