

International Law Studies – Volume 52

Criminal Jurisdiction Over Visiting Armed Forces

Roland J. Stanger (Editor)

The thoughts and opinions expressed are those of the authors and not necessarily of the U.S. government, the U.S. Department of the Navy or the Naval War College.

APPENDIX VII

GERMANY. AGREEMENT SUPPLEMENTING NATO AGREEMENT¹

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 of August 3, 1959.

ARTICLE 1

The Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on 19 June 1951 (hereinafter referred to as the "NATO Status of Forces Agreement"), shall, as regards the rights and obligations of the forces of the Kingdom of Belgium, Canada, the French Republic, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America in the territory of the Federal Republic of Germany (hereinafter referred to as "the Federal Republic"), be supplemented by the provisions of the present Supplementary Agreement.

ARTICLE 2

1. In the present Agreement the term

(a) "a German" shall mean a German within the meaning of German law;

* * * * *

2. (a) A close relative of a member of a force or of a civilian component not falling within the definition contained in subparagraph (c) of paragraph 1 of Article I of the NATO Status of Forces Agreement who is financially or for reasons of health dependent on, and is supported by, such member, who shares the quarters occupied by such member and who is present in the Federal territory with the consent of the authorities of the force

¹ In force 1 July 1963, TIAS 5351.

shall be considered to be, and treated as, a dependent within the meaning of that provision.

(b) Should a member of a force or of a civilian component die or leave the Federal territory on transfer, the dependents of such member, including close relatives referred to in sub-paragraph (a) of this paragraph, shall be considered to be, and treated as, dependents within the meaning of sub-paragraph (c) of paragraph 1 of Article I of the NATO Status of Forces Agreement for a period of ninety days after such death or transfer if such dependents are present in the Federal territory.

ARTICLE 3

* * * * *

7. If, in the implementation of the NATO Status of Forces Agreement and of the present Agreement, no agreement is reached either on the local or on the regional level between the German authorities and the authorities of a force, the matter shall, unless the NATO Status of Forces Agreement or the present Agreement provides a special procedure, be referred to the competent central Federal authority and the higher authority of the force. The Federal Government of the higher authority of the force shall issue any individual instructions that may be necessary to the German authorities or to the authorities of the force and the civilian component respectively.

* * * * *

ARTICLE 17

1. Where, in order to decide upon the authority competent to exercise jurisdiction with respect to an offence, it is necessary to determine whether an act is punishable by the law of a sending State, the German court or authority dealing with the case shall suspend the proceedings and shall notify the competent authority of the sending State. The appropriate authority of the sending State may, within twenty-one days after receipt of the notification, or at any time if such notification has not yet been made, submit to the German court or authority a certificate stating whether or not the act is punishable by the law of the sending State. If the certificate is affirmative on this point, it shall specify the provision or legal basis under which the act is punishable, as well as the penalty prescribed.

2. The German court or authority shall make its decision in conformity with the certificate. In exceptional cases, however,

such certificate may, at the request of the German court or authority, be made the subject of review through discussions between the Federal Government and the diplomatic mission in the Federal Republic of the sending State.

3. If it is to be determined whether an offence is punishable under German law, the procedure provided in paragraphs 1 and 2 of this Article shall apply *mutatis mutandis* with respect to the offence, the certificate being then issued by the supreme competent administrative authority of the Federal Republic or of the German Land concerned.

4. The provisions of paragraphs 1, 2 and 3 of this Article shall not apply as between the Federal Republic and any sending State which informs the Federal Republic that it does not intend to avail itself of these provisions or to extend the benefits thereof to the Federal Republic.

ARTICLE 18

1. Whenever, in the course of criminal proceedings against a member of a force or of a civilian component, it becomes necessary to determine whether an offence has arisen out of any act or omission done in the performance of official duty, such determination shall be made in accordance with the law of the sending State concerned. The highest appropriate authority of such sending State may submit to the German court or authority dealing with the case a certificate thereon.

2. The German court or authority shall make its decision in conformity with the certificate. In exceptional cases, however, such certificate may, at the request of the German court or authority, be made the subject of review through discussions between the Federal Government and the diplomatic mission in the Federal Republic of the sending State.

ARTICLE 19

1. At the request of a sending State, the Federal Republic shall, within the framework of sub-paragraph (c) of paragraph 3 of Article VII of the NATO Status of Forces Agreement, waive in favour of that State the primary right granted to the German authorities under sub-paragraph (b) of paragraph 3 of that Article in cases of concurrent jurisdiction, in accordance with paragraphs 2, 3, 4 and 7 of this Article.

2. Subject to any particular arrangements which may be

made under paragraph 7 of this Article, the military authorities of the sending States shall notify the competent German authorities of individual cases falling under the waiver provided in paragraph 1.

3. Where the competent German authorities hold the view that, by reason of special circumstances in a specific case, major interests of German administration of justice make imperative the exercise of German jurisdiction, they may recall the waiver granted under paragraph 1 of this Article by a statement to the competent military authorities within a period of twenty-one days after receipt of the notification envisaged in paragraph 2 or any shorter period which may be provided in arrangements made under paragraph 7. The German authorities may also submit the statement prior to receipt of such notification.

4. If, pursuant to paragraph 3 of this Article, the competent German authorities have recalled the waiver in a specific case and in such case an understanding cannot be reached in discussions between the authorities concerned, the diplomatic mission in the Federal Republic of the sending State concerned may make representations to the Federal Government. The Federal Government, giving due consideration to the interests of German administration of justice and to the interests of the sending State, shall resolve the disagreement in the exercise of its authority in the field of foreign affairs.

5. (a) With the consent of the German authorities, the military authorities of a sending State which has requested the waiver under paragraph 1 of this Article may transfer to the German courts or authorities for investigation, trial and decision, particular criminal cases in which jurisdiction rests with that State.

(b) With the consent of the military authorities of a sending State which has requested the waiver under paragraph 1 of this Article, the German authorities may transfer to the military authorities of that State for investigation, trial and decision, particular criminal cases, in which jurisdiction rests with the Federal Republic.

6. (a) Where a German court or authority exercises exclusive jurisdiction under sub-paragraph (b) of paragraph 2 of Article VII of the NATO Status of Forces Agreement, a copy of any document served on the accused shall be delivered, upon special or

general request of the sending State concerned, to the liaison agency referred to in Article 32 of the present Agreement.

(b) The liaison agency shall lend its assistance to the German courts and authorities to facilitate service of process in criminal matters.

7. In the implementation of the provisions of this Article and to facilitate the expeditious disposal of offences of minor importance, arrangements may be made between the military authorities of a sending State or States and the competent German authorities. These arrangements may also extend to dispensing with notification and to the period of time referred to in paragraph 3 of this Article within which the waiver may be recalled.

ARTICLE 20

1. The military authorities of a sending State may, without a warrant of arrest, take into temporary custody any person not subject to their jurisdiction

(a) if such person is caught or pursued in *flagrante delicto* and either

(i) the identity of the person cannot be established immediately, or

(ii) there is reason to believe that the person may flee from justice; or

(b) if so requested by a German authority, or

(c) if such person is a member of the force or of the civilian component of another sending State, or a dependent of any such member, upon request by an authority of that State.

2. If there is danger in delay and a German public prosecutor or German police officer cannot be called in time, the military authorities of a sending State may, without a warrant of arrest, take into temporary custody a person not subject to their jurisdiction if there are strong reasons to suspect (*dringender Verdacht*) that such person has committed or is making a punishable attempt to commit an offence within, or directed against, an installation of that State, or an offence punishable under Article 7 of the Fourth Law Amending the Criminal Law dated 11 June 1957 (*Bundesgesetzblatt Teil I, page 597*) in conjunction with Sections 99, 100, 100c, 100d, 100e, 109f, 109g and 363, of the German Criminal Code, or under such legislation as may replace these provisions in future. This provision shall apply only if the person in question is a fugitive from justice or in

hiding or if there are good reasons to fear that he is seeking to evade criminal proceedings consequent upon the commission of such offence or punishable attempt.

3. In cases falling within paragraph 1 or 2 of this Article the military authorities may, to such extent as may be necessary, disarm the person so taken into temporary custody, and may search him and seize any items in his possession which may serve as evidence for the purposes of the investigation of the suspected or alleged offence.

4. The military authorities shall, without delay, deliver any person taken into temporary custody in accordance with this Article, together with any weapons or other items so seized, to the nearest German public prosecutor or police officer or judge or to the military authorities of the sending State to whose force or civilian component the person belongs either as a member or as a dependent of such member.

5. The provisions of this Article shall not affect the constitutional immunities of the parliaments of the Federation and the Länder.

ARTICLE 21

1. Where an investigation is initiated or an arrest made by a German authority in respect of an act punishable under Article 7 of the Fourth Law Amending the Criminal Law dated 11 June 1957 (Bundesgesetzblatt Teil I, page 597) or under such legislation as may replace that Article in future, the German authorities conducting the investigations shall notify the military authorities of the sending State concerned without delay. The same shall apply if a German authority initiates an investigation or makes an arrest in respect of an act otherwise directed against the security of a sending State or of its force.

2. Where an investigation is initiated or an arrest made in the Federal territory by a competent authority of a sending State in respect of an act committed in the Federal territory and relating to matters affecting the security of the Federal Republic, this authority shall inform the German authorities without delay.

ARTICLE 22

1. (a) Where jurisdiction is exercised by the authorities of a sending State, custody of members of the force, of the civilian component, or dependents shall rest with the authorities of that State.

(b) Where jurisdiction is exercised by the German authorities, custody of members of a force, of a civilian component, or dependents shall rest with the authorities of the sending State in accordance with paragraphs 2 and 3 of this Article.

2. (a) Where the arrest has been made by the German authorities, the arrested person shall be handed over to the authorities of the sending State concerned if such authorities so request.

(b) Where the arrest has been made by the authorities of a sending State, or where the arrested person has been handed over to them under sub-paragraph (a) of this paragraph, they

(i) may transfer custody to the German authorities at any time;

(ii) shall give sympathetic consideration to any request for the transfer of custody which may be made by the German authorities in specific cases.

(c) In respect of offences directed solely against the security of the Federal Republic, custody shall rest with the German authorities in accordance with such arrangements as may be made to that effect with the authorities of the sending State concerned.

3. Where custody rests with the authorities of a sending State in accordance with paragraph 2 of this Article, it shall remain with these authorities until release or acquittal by the German authorities or until commencement of the sentence. The authorities of the sending State shall make the arrested person available to the German authorities for investigation and criminal proceedings (Ermittlungs- und Strafverfahren) and shall take all appropriate measures to that end and to prevent any prejudice to the course of justice (Verdunkelungsgefahr). They shall take full account of any special request regarding custody made by the competent German authorities.

ARTICLE 23

Where a person is arrested in any case referred to in paragraph 1 of Article 21 of the present Agreement, a representative of the sending State concerned shall have access to that person. Where a person arrested in any case referred to in paragraph 2 of that Article is held in custody by the authorities of a force, a German representative shall have a corresponding right to the extent to which the sending State avails itself of the right of access afforded by the first sentence of this Article. The German authorities and the military authorities of the sending State shall

conclude such arrangements as may be required for the implementation of this Article. A representative of the State which has custody may be present when the right of access is exercised.

ARTICLE 24

At the request of the Federal Republic or of a sending State, the German authorities and the authorities of that State shall conclude arrangements to facilitate the fulfillment of the obligation of mutual assistance provided for in sub-paragraph (a) of paragraph 5 and sub-paragraph (a) of paragraph 6 of Article VII of the NATO Status of Forces Agreement.

ARTICLE 25

1. (a) Where criminal jurisdiction over a member of a force or of a civilian component or a dependent is exercised by a German court or a German authority, a representative of the sending State concerned shall have the right to attend the trial. Where an offence is solely directed against the security of the Federal Republic, or against any property within the Federal Republic, or against a German or a person present in the Federal territory, and jurisdiction is exercised in the Federal Republic by a court or authority of a sending State, a German representative shall have the right to attend the trial.

(b) For the purpose of the provisions set forth in sub-paragraph (a) of this paragraph

(i) the expression "property within the Federal Republic" shall not include property belonging either to a force or a civilian component or to a member of a force or of a civilian component or to a dependent;

(ii) the expression "a person present in the Federal territory" shall not include a member of a force or of a civilian component or a dependent.

(c) The provisions set forth in sub-paragraph (a) of this paragraph shall not apply if the attendance of a national representative is incompatible with the security requirements of the State exercising jurisdiction which are not at the same time security requirements of the other State.

(d) German courts and authorities on the one hand, and the courts and authorities of the sending State on the other hand, shall give each other timely notification of place and time of the trial.

2. Under the conditions stated in paragraph 1 of this Article a representative of the sending State shall also have a right to attend interrogations and other pre-trial investigations to such extent as may be agreed between the authorities of that State and those of the Federal Republic. If such arrangements are concluded, they shall, under the conditions stated in paragraph 1, give to a German representative a right corresponding to that of the representative of the sending State, and shall provide procedures for reciprocal notification.

ARTICLE 26

1. Where a member of a force or of a civilian component or a dependent is arraigned before a court of a sending State for an offence committed in the Federal territory against German interests, the trial shall be held in that territory

(a) except where the law of the sending State requires otherwise, or

(b) except where, in cases of military exigency or in the interests of justice, the authorities of the sending State intend to hold the trial outside the Federal territory. In this event they shall afford the German authorities timely opportunity to comment on such intention and shall give due consideration to any comments the latter may make.

2. Where the trial is held outside the Federal territory, the authorities of the sending State shall inform the German authorities of the place and date of the trial. A German representative shall be entitled to be present at the trial, except where his presence is incompatible with the rules of the court of the sending State or with the security requirements of that State, which are not at the same time security requirements of the Federal Republic. The authorities of the sending State shall inform the German authorities of the judgment and of the final outcome of the proceedings.

ARTICLE 27

Sections 212 to 212(b) of the German Code of Criminal Procedure, relating to expedited procedure, shall not be applicable in criminal proceedings against members of a force, of a civilian component, or against dependents.

ARTICLE 28

1. The military police of a force shall have the right to patrol

on public roads, on public transport, in restaurants (Gaststätten) and in all other places to which the public has access and to take such measures with respect to the members of a force, of a civilian component or dependents as are necessary to maintain order and discipline. Insofar as it is necessary or expedient the details of the exercise of this right shall be agreed upon between the German authorities and the authorities of the force, who shall maintain close mutual liaison.

2. If public order and safety are endangered or disturbed by an incident in which members of a force or of a civilian component or dependents are involved, the military police of a force shall, if so requested by the German authorities, take appropriate measures with respect to such persons to maintain or restore order and discipline.

ARTICLE 29

1. The Federal Republic shall bring about such legislative measures as it deems necessary to ensure the adequate security and protection within its territory of the forces, of the civilian components and of their members. This shall also apply to the Armed Forces of a sending State stationed in Berlin, to the civilian component thereof and to their members with regard to offences committed within the Federal territory.

2. To implement paragraph 11 of Article VII of the NATO Status of Forces Agreement and paragraph 1 of this Article the Federal Republic shall, in particular,

(a) ensure, in accordance with the provisions of German criminal law on treason, the protection of military secrets of the sending States;

(b) ensure, by way of criminal law, the protection of a force, a civilian component and their members to an extent not inferior to the protection which is or will be afforded to the German Armed Forces in the following fields:

(i) influencing the force, the civilian component or their members with intent to undermine their willingness to serve;

(ii) exposing the force to contempt;

(iii) inducement to disobedience;

(iv) inducement to desertion;

(v) facilitation of desertion;

(vi) sabotage;

(vii) collection of information concerning military matters;

- (viii) operation of a military intelligence service ;
- (ix) reproduction or description of military equipment, military installations or facilities, or of military activities ;
- (x) taking of aerial photographs.

3. For the purposes of sub-paragraph (a) of paragraph 2 of this Article, the term "military secrets" shall mean such facts, objects, conclusions and discoveries, in particular writings, drawings, models, formulae, or information about them, as concern defence and are kept secret by an agency of a sending State located on Federal territory or in Berlin out of consideration for the security of that State or of its force, or its Armed Forces stationed in Berlin. The term shall not include objects in respect of which the decision about keeping them secret is a matter for the Federal Republic, or information concerning such objects.

ARTICLE 30

To facilitate the implementation of Article VII of the NATO Status of Forces Agreement and the provisions of the present Agreement supplementary thereto and to ensure their uniform application, Mixed Commissions composed of a German representative to be appointed by the Federal Government and a representative of the sending State concerned shall be constituted at the request of either party. The task of these Mixed Commissions shall be to discuss questions submitted to them by the Federal Government or the highest authority of the force concerned with respect to the application of the provisions referred to in this Article. The German authorities and the authorities of the sending State shall give sympathetic consideration to any joint recommendation made by a Mixed Commission.

* * * * *

ARTICLE 37

1. (a) Where a member of a force or of a civilian component is summoned to appear before a German court or authority, the military authorities, unless military exigency requires otherwise, shall secure his attendance provided that such attendance is compulsory under German law. The liaison agency shall be requested to ensure execution of such summons.

(b) The provisions of sub-paragraph (a) of this paragraph shall apply *mutatis mutandis* to dependents insofar as the military authorities are able to secure their attendance; otherwise dependents will be summoned in accordance with German law.

2. Where persons whose attendance cannot be secured by the military authorities are required as witnesses or experts by a court or a military authority of a sending State, the German courts and authorities shall, in accordance with German law, secure the attendance of such persons before the court or military authority of that State.

ARTICLE 38

1. If in the course of criminal or non-criminal proceedings or hearings before a court or authority of a force or of the Federal Republic it appears that the disclosure of an official secret of either of the States concerned, or the disclosure of any information which could prejudice the security of either of them might result, the court or the authority shall, prior to taking further action, seek the written consent of the appropriate authority to the disclosure of the official secret or information. In the event that the appropriate authority advances considerations against disclosure, the court or authority shall take all steps in its power, including those to which paragraph 2 of this Article relates, to prevent such disclosure, provided no constitutional right of any party to the proceedings is thereby impaired.

2. The provisions of Sections 172 to 175 of the German Judicature Act (Gerichtsverfassungsgesetz) on the exclusion of the public from hearings in criminal and non-criminal proceedings, and of Section 15 of the German Code of Criminal Procedure on the transfer of criminal proceedings to a court in a different district, shall be applied *mutatis mutandis* in cases before German courts and authorities where there is a threat to the security of a force or of a civilian component.

ARTICLE 39

Privileges and immunities of witnesses and experts shall be those accorded by the law of the court or authority before which they appear. The court or authority shall, however, give appropriate consideration to the privileges and immunities which witnesses and experts, if they are members of a force or of a civilian component, or dependents, would have before a court of the sending State or, if they do not belong to these categories of persons, would have before a German court.

* * * * *

ARTICLE 53

1. Within accommodation made available for its exclusive use,

a force or a civilian component may take all the measures necessary for the satisfactory fulfillment of its defence responsibilities. Within such accommodation, the force may apply its own regulations in the fields of public safety and order where such regulations prescribe standards equal to or higher than those prescribed in German law.

2. The first sentence of paragraph 1 of this Article shall apply *mutatis mutandis* to measures taken in the air space above accommodation, provided that measures which might interfere with air traffic are taken only in coordination with the German authorities. The provisions of paragraph 7 of Article 57 of the present Agreement shall remain unaffected.

3. In carrying out the measures referred to in paragraph 1 of this Article, the force or the civilian component shall ensure that the German authorities are enabled to take, within the accommodation, such measures as are necessary to safeguard German interests.

4. The German authorities and the authorities of the force or of the civilian component shall co-operate to ensure the smooth implementation of the measures referred to in paragraphs 1, 2 and 3 of this Article. The details of such co-operation are set forth in paragraphs 5 to 7 of the Section of the Protocol of Signature referring to this Article.

5. Where accommodation is used jointly by a force or a civilian component and the German Armed Forces or German civilian agencies, the regulations required for such use shall be laid down in administrative agreements or in special agreements in which appropriate consideration shall be given to the position of the Federal Republic as receiving State as well as to the defence responsibilities of the force.

6. In order to enable a force or a civilian component satisfactorily to fulfil its defence responsibilities, the German authorities shall take appropriate measures, at the request of the force to

(a) establish restricted areas (Schutzbereiche) ;

(b) supervise or restrict construction, cultivation and movement in the vicinity of accommodation made available to the force for its use.

* * * * *

ARTICLE 71

1. The non-German non-commercial organizations listed in

paragraph 2 of the Section in the Protocol of Signature referring to this Article shall be considered to be, and treated as, integral parts of the force.

2. (a) The non-German non-commercial organizations listed in paragraph 3 of the Section in the Protocol of Signature referring to this Article shall enjoy the benefits and exemptions accorded to the force by the NATO Status of Forces Agreement and the present Agreement to the extent necessary for the fulfillment of the purposes described in paragraph 3 of that Section. However, benefits and exemptions in respect of imports for, deliveries to, or services for these organizations shall be granted only if such imports, deliveries or services are effected through the authorities of the force or of the civilian component or through official procurement agencies designated by these authorities.

(b) The organizations referred to in sub-paragraph (a) of this paragraph shall not have the powers enjoyed by the authorities of a force or of a civilian component under the NATO Status of Forces Agreement and the present Agreement.

* * * * * * *

4. Other non-German non-commercial organizations may, in specific cases, be accorded, by means of administrative agreements, the same treatment as the organizations listed in paragraph 2 or 3 of the Section in the Protocol of Signature referring to this Article, if they

(a) are necessary to meet the military requirements of a force and

(b) operate under the general direction and supervision of the force.

5. (a) Subject to the provisions of paragraph 6 of this Article, employees exclusively serving organizations listed in paragraph 2 or 3 of the Section in the Protocol of Signature referring to this Article shall be considered to be, and treated as, members of a civilian component.

* * * * * * *

(b) Sub-paragraph (a) of this paragraph shall also apply to employees of organizations which, in accordance with paragraph 4 of this Article, are accorded the same treatment as the organizations listed in paragraph 2 or 3 of the Section in the Protocol of Signature referring to this Article.

6. The provisions of paragraph 5 of this Article shall not apply to

(a) stateless persons ;

(b) nationals of any State which is not a Party to the North Atlantic Treaty ;

(c) Germans ;

(d) persons ordinarily resident in the Federal territory.

* * * * *

ARTICLE 73

Technical experts whose services are required by a force and who in the Federal territory exclusively serve that force either in an advisory capacity in technical matters or for the setting up, operation or maintenance of equipment shall be considered to be, and treated as, members of the civilian component. This provision, however, shall not apply to

(a) stateless persons ;

(b) nationals of any State which is not a Party to the North Atlantic Treaty ;

(c) Germans ;

(d) persons ordinarily resident in the Federal territory.

* * * * *

ARTICLE 75

1. (a) Except in a case where the accused is a German, neither Article 19 of the present Agreement nor paragraphs 1, 2 and 3 of Article VII of the NATO Status of Forces Agreement shall apply to an offence alleged to have been committed by a member of the forces prior to the entry into force of the present Agreement where before that date

(i) proceedings in respect of such offence have been initiated or terminated by an authority of a force exercising judicial powers, or

(ii) the prosecution of the offence became barred, under the law of the sending State concerned, by the expiry of a prescribed period of time.

(b) Where proceedings are pending at the date of entry into force of the present Agreement, the provisions of the Forces Convention concerning the exercise of jurisdiction over offences committed by such members shall continue to have effect for those proceedings, as if that Convention were still in force, until the conclusion of the proceedings, provided notification of the cases

so pending shall be made to the German authorities within a period of ten days after that date.

2. In imposing a penalty in respect of an offence committed prior to the entry into force of the present Agreement, the German court or authority shall give due consideration to the penalty prescribed by the law of the sending State to which the accused was subject at the time of the commission of the offence, if it appears that such penalty is lighter than that prescribed by German law.

ARTICLE 76

Defensive works, the execution of which has been agreed with the Federal Republic prior to the entry into force of the present Agreement or on which work has commenced prior to that date, shall be completed as planned.

* * * * *

ARTICLE 80

The provisions of Article XV of the NATO Status of Forces Agreement shall apply to the present Agreement, it being understood that references in that Article to other provisions of the NATO Status of Forces Agreement shall be deemed to be references to those provisions as supplemented by the present Agreement.

ARTICLE 81

1. Subject to the provisions of paragraph 2 of this Article, the present Agreement shall remain in force while forces are stationed in the Federal Republic in accordance with the terms of the Convention on the Presence of Foreign Forces in the Federal Republic of Germany of 23 October 1954 or any arrangement which may replace it.

2. The present Agreement shall lapse

(a) if the Federal Republic denounces the NATO Status of Forces Agreement, when its denunciation takes effect pursuant to Article XIX of that Agreement;

(b) between the Federal Republic and any sending State that denounces the NATO Status of Forces Agreement when such denunciation takes effect.

* * * * *