

17 November 2005

Safety

Safety and Occupational Health for Local National Employees in Germany

*This regulation supersedes AE Regulation 385-29, 27 September 2005.

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Summary. This regulation—

- Implements the Supplementary Agreement (SA) to the NATO Status of Forces Agreement (SOFA) (including Article IX(4)).
- Was coordinated with the German Federal Ministry of the Interior, the statutory accident-insurance carrier, and the German Federal Ministry of Defense.

Summary of Change. This regulation has been revised to correct an administrative error in appendix D.

Applicability. This regulation applies to U.S. Army organizations serviced by civilian personnel advisory centers in Germany, to include personnel employed under the Collective Tariff Agreement II (CTA II). It does not apply to United States Air Forces in Europe personnel.

Supplementation. Organizations will not supplement this regulation without IMA-EURO (IMEU-SO) approval.

Forms. AE and higher-level forms are available through the Army in Europe Publishing System (AEPUBS).

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. File numbers and descriptions are available on the Army Records Information Management System website at <http://www.arims.army.mil>.

Suggested Improvements. The proponent of this regulation is the IMA-EURO (IMEU-SO, DSN 370-8084). Users may suggest improvements to this regulation by sending DA Form 2028 to the IMA-EURO (IMEU-SO), Unit 29353, APO AE 09014-9350.

Distribution. C (AEPUBS).

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Glossary

1. PURPOSE

This regulation implements the European Community's Occupational Safety and Health Program directives that are German national law according to the Labor Protection Act, the Work Safety Act, and other laws and regulations for the safety and health of local national (LN) employees in Germany. Safety and health protection helps—

- a. Leaders recognize, assess, and minimize risks.
- b. Employees avoid hazards, protect their health, and prevent damages.
- c. Units and activities maintain readiness and complete mission requirements.

2. REFERENCES

Appendix A lists references.

3. EXPLANATION OF ABBREVIATIONS AND TERMS

The glossary defines abbreviations and terms.

4. RESPONSIBILITIES

- a. The Safety Division, Office of the G1, HQ USAREUR/7A, will—

(1) Transpose, implement, and interpret the requirements of German regulations into AE regulations mandated by the NATO Status of Forces Agreement (SOFA), the Supplementary Agreement (SA) to the NATO SOFA, and the Protocol of Signature.

- (2) Advise and support the CG, USAREUR/7A, in all occupational safety and health issues.

b. Commanders and agency chiefs will—

(1) Comply with and enforce laws and regulations for safety and occupational health and accident prevention (apps B through D).

(2) Abate deficiencies.

(3) Appoint safety representatives and a safety and occupational health advisory council.

(4) Appoint and manage industrial safety advisers.

(5) Ensure that contractors comply with occupational safety and health rules on U.S. installations.

c. Employees will—

(1) Comply with this regulation and other U.S. Army safety and health regulations and directives.

(2) Use personal protective clothing and equipment.

(3) Report safety deficiencies, hazards, injuries, and occupational illnesses to their supervisor.

5. REGULATIONS

a. NATO SOFA and SA. The application of German occupational safety and health and accident-prevention measures is provided in the NATO SOFA, Article IX, and the SA, Articles 53 and 56.

b. DOD and Army Regulations.

(1) All LN employees are subject to AR 385-10, Occupational Safety and Health Act (OSHA) directives, the Code of Federal Regulations, and the technical bulletins and manuals listed in appendix A.

(2) If guidance conflicts, the policy in AR 385-10, paragraph 3-1e, will apply.

(3) The USAREUR G1 (AEAGA-S) will resolve conflicts between Army policy and German law (c below) according to the Protocol of Signature (SA, Article 56(3)).

c. German Labor-Protection and Work-Safety Requirements.

(1) For the LN workforce in Germany, the SA affects the United States Army Accident-Prevention and Work Safety Program and requires the U.S. Army to obey the rules of the Receiving State and enforce relevant regulations and supplements. Separate work-safety guidance for different groups of employees must be avoided when implementing German regulatory requirements.

(2) In Germany the requirements for labor protection and work safety are regulated by a dual system of standards in Government laws and ordinances and standards established by accident-insurance carriers that issue accident-prevention regulations.

(3) Legal sources of the German Government are its laws and ordinances. Administrative ordinances and technical rules also apply. These ordinances and technical rules prescribe internal administrative directives for monitoring agencies that may generalize and restrict freedom of interpretation, but German Government ordinances provide specific guidance.

(4) The German Government issues basic labor-protection and work-safety laws, which normally lack detailed and specific stipulations. They provide descriptions of protection goals or general legal terms that need to be defined in each case. Work safety depends on further interpretation of protection goals as discussed in subparagraph d below.

(5) Commands and activities will use German regulations to ensure—

(a) Company doctors, safety engineers, and other industrial safety advisers in Federal agencies (as defined in the *Arbeitssicherheitsgesetz (ASiG)*) who support LN personnel are trained and certified according to the requirements of the Federal Ministry for Economics and Labor and meet the qualifications established by corresponding Army regulations.

(b) The duties and responsibilities of safety engineers and other industrial safety advisers outlined in AR 385-10, chapter 5, are in agreement with German laws and regulations under the NATO SOFA.

(c) An occupational safety and health advisory council is established (AR 385-10, para 2-1k; and this reg, para 7a(7)) to meet host-nation legal requirements.

(6) Works councils are actively involved in work safety and accident prevention (para 7a).

(7) German laws and ordinances that apply to work safety for LNs in Germany are followed (app C).

d. German Accident-Prevention Regulations.

(1) The autonomous standards issued by accident-insurance carriers are established by the German Accident-Prevention Regulation (*Unfallverhütungsvorschrift (UVV)*) (app D) as approved by the Ministry for Economics and Labor and as applicable within the German armed forces.

(2) Specific rules for accident prevention are especially necessary within the German armed forces and within the U.S. Army in Europe, when *UVVs* designed for the commercial sector of Germany do not cover the unique requirements and mission of the U.S. military.

(3) The accident-prevention regulations listed in appendix D must be applied.

e. Publication of Regulations.

(1) Safety regulations and standards must be posted in appropriate areas and circulated throughout the workforce to ensure awareness of and compliance with Germany's Social Security Code VII (*Sozialgesetzbuch VII (SGB VII)*).

(2) Safety offices and servicing medical facilities must maintain complete and current sets of OSHA standards, Army regulations, and other occupational safety and health guidance. Employees will be given the necessary help and explanations, to include the translation of relevant passages as required, when reviewing these standards, regulations, and guidance.

(3) Each major functional area must maintain a file or library of the appropriate standards and occupational safety and health guidance. Safety offices and servicing medical facilities may help in the selection.

(4) Job-safety standards that apply to particular tasks must be posted or available for review at the workplace. Posted standards must also be in a language or languages that LN employees can read and understand. If necessary, supervisors must ensure understanding by other means (for example, verbal explanation, demonstration), which should be recorded in a log or memorandum for record.

(5) Employees must receive safety, fire-protection, and health training at the workplace.

(6) All German laws, ordinances, and other directives referenced in this regulation must be available for employees as needed.

6. MONITORING BY GERMAN AUTHORITIES

a. Federal Accident Insurance Agency (*Unfallkasse des Bundes (UK-Bund)*).

(1) The requirements for statutory accident insurance are provided in *SGB VII*, which establishes insurance tasks, organizations, and benefits.

(2) For LN employees of the U.S. Armed Forces, the *UK-Bund* is the accident insurance carrier. The *UK-Bund*—

(a) Encourages the prevention of work-related accidents, health hazards, and occupational diseases.

(b) Rehabilitates injured employees when accidents or occupational diseases occur and compensates family members and survivors.

(c) Receives, reviews, and processes accident reports (AE Reg 385-40).

(d) Conducts follow-up investigations when necessary to determine eligibility for compensation benefits.

- (e) Adjudicates claims and determines benefits to be awarded.
- (f) Trains safety representatives, safety professionals, and agency chiefs.
- (g) Ensures agencies comply with accident-prevention regulations.

NOTE: The German Armed Forces Administration (*Wehrbereichsverwaltung (WBV)*) ensures agencies comply with the laws and ordinances, to include the right to visit and inspect workplaces and notify agency chiefs of deficiencies.

(3) The German Government provides LN employees of the U.S. Armed Forces in Germany with statutory accident insurance (SA, Article 56(3)).

NOTE: LN employees of U.S. and non-U.S. contractors are not U.S. Armed Forces employees according to Army regulations, nor are they members of a force or civilian component within the meaning of the NATO SOFA, Article I(1)(a) through (b). Contractors subject to German jurisdiction will be monitored by local agencies of the German States (*Länder*) known as the Offices for Industrial Safety (*Ämter für Arbeitsschutz*) or industrial inspection (*Gewerbeaufsicht*).

(a) For the U.S. Armed Forces in Germany, the *UK-Bund*, Wilhelmshaven, is responsible only for accident insurance and prevention. The *WBV* is responsible for occupational safety.

(b) Procedures for reporting LN employee accidents are in AE Regulation 385-40.

(c) The *UK-Bund* may request additional information about accidents reported by attending physicians, but for which no AE Form 385-40A was submitted. The requests will include confirmation that the injured employee is employed by the U.S. Armed Forces, whether the employee is paid from appropriated or nonappropriated funds, the identification of the employing unit or activity, and circumstances surrounding the accident. Servicing safety offices that receive a request for additional information from the *UK-Bund* will respond immediately with the appropriate AE Form 385-40A or refer the request to the appropriate agency for action, to include the completion of an AE Form 385-40A if necessary.

(d) The *UK-Bund* may conduct a follow-up investigation on a claim for compensation to determine whether conditions (for example, noise) at the claimant's workplace could have contributed to the disability (for example, hearing loss) for which compensation is being claimed. The following assistance and procedures will be provided to the *UK-Bund* technical adviser making the on-site evaluation:

1. The *UK-Bund* will notify the safety office of the installation of the date of the visit and available information about the claimant.

2. The safety office will notify the responsible occupational health nurse (OHN) and works council and arrange the visit with other interested agencies (for example, the chief of the activity to be visited). If there are no objections, the safety office will confirm the visit with the *UK-Bund*.

3. The safety office should verify the information from the *UK-Bund* before the visit. If the claimant is no longer employed with the activity, the local Foreign Forces Payroll Office may have records of his or her employment. If conditions at the individual's workplace have changed since the accident, the *UK-Bund* adviser must be informed. Representatives of the safety office, servicing medical facility (for occupational illnesses), and local works council will accompany the *UK-Bund* adviser during the visit.

4. Installation safety offices will keep a record of *UK-Bund* technical adviser visits and notify the USAREUR G1 (AEAGA-S) and the works council of deficiencies noted during the visit that cannot be corrected locally.

b. German Armed Forces Administrations.

(1) Guidance on cooperation with German authorities is as follows:

(a) The following German Federal authorities and their subordinate organizations are the competent authorities for occupational safety and health, accident prevention, and radiation protection; they are also the competent authorities for the U.S. Armed Forces as stated in the NATO SOFA and SA:

1. *UK-Bund*.

2. *WBVs*.

(b) Cooperation with other authorities, States, or communities, should be coordinated through the applicable Federal authorities ((a) above), depending on the specific issue.

(2) Supervision of the worker-safety provisions of the German labor-protection law (*Arbeitsschutzrecht*) with respect to the LN workforce rests with the German Ministry of Defense. The Ministry of Defense has delegated this function to those organizations within the *WBVs* that also perform this task for the German Armed Forces.

(a) The *WBV* personnel will visit installations, request information, and conduct inspections and investigations. This requires that staffs fully cooperate with the *WBVs*.

(b) Commanders and supervisors of LN employees must ensure compliance with German work-safety laws (including worker-safety provisions) and cooperate with the *WBVs*. For the LN workforce, the *WBVs* are the authority for occupational safety and health and radiation-protection issues on U.S. installations in Germany.

1. The *WBVs* have authority to—

- a. Inspect and check occupational safety and health programs, operations, facilities, and equipment.
- b. Request information on occupational safety and health issues.
- c. Issue orders on occupational safety and health issues.

2. The *WBVs* do the following in response to occupational safety and health issues:

- a. Provide advice to activities and agencies.
- b. Inspect facilities and operations.
- c. Conduct accident investigations.
- d. Review construction plans.
- e. Implement administrative procedures (for example, notifications, permits).

(c) *WBV* officials may issue notices of violation, orders, or subsequent orders. Although these decisions are not subject to enforcement, U.S. Army organizations and non-U.S. Army organizations serviced by civilian personnel advisory centers in Germany must comply with these notices unless they conflict with the mission or more stringent U.S. requirements. If there is a conflict, the issue will be referred to the Safety Division, Office of the Deputy Chief of Staff, G1, HQ USAREUR/7A, for resolution. The SA requires cooperation.

(d) Industrial inspection agencies of the German States are responsible for supervising German worker-safety provisions for organizations and enterprises of DOD contractors with assimilated SOFA status under Articles 71 and 72 of the SA (for example, military banking facilities, Federal credit unions).

7. WORKS COUNCILS AND SEVERELY HANDICAPPED EMPLOYEE REPRESENTATIVES, SAFETY REPRESENTATIVES, FIRST-AID, AND SAFETY OFFICES

a. Works Councils and Severely Handicapped Employee Representatives.

(1) Works councils provide the following work-safety and accident-prevention measures, according to the Federal Personnel Representation Law (*Bundespersonalvertretungsgesetz (BPersVG)*), as modified by the Protocol of Signature to Article 56(9), SA:

(a) “To the extent that legal or tariff provisions do not exist, the works council shall have the right to codetermination, where appropriate by the conclusion of shop agreements, with respect to...measures for the prevention of accidents or other effects harmful to health at the place of work,” (from sections 75(3) and 75(3)11).

(b) According to the *BPersVG*, section 81(1), the following also applies:

1. The works council will help the authorities responsible for safety measures, the *UK-Bund*, and other related authorities in the prevention of hazards that may cause accidents or damage to health by making suggestions, giving advice and information, and promoting the implementation of the provisions for safety measures and accident prevention within the agency.

2. The agency chief and the authorities (1 above) will consult with the works council or members designated by the works council who are employed within the agency on all inspections and questions about safety, accident prevention, and investigations unless regulations on military security or discipline prevent the presence of works council members. The agency chief will inform the works council immediately of safety, accident-prevention, and investigation requirements and instructions by the appropriate authorities (1 above).

(2) Works council members, designated by the works council, will take part in meetings between the agency chief, safety representatives, and the safety and occupational health advisory council.

(3) The works council will receive the minutes of the investigations, inspections, and discussions in which it is to be consulted (1 and 2 above).

(4) The agency chief will submit a copy of the accident report to the works council (*SGB VII*) for signature. A works council may be granted access to secure areas to perform its duties as needed. Access will be granted under the same conditions that civilian labor is allowed access.

(5) Similar provisions in the *ASiG* and OSHA, support employee-representation actions and cooperation with works councils in Army occupational safety, fire-protection, and health programs.

(6) To promote and maintain cooperation, a continuing dialog is necessary (for example, installation occupational safety and health council meetings).

(7) Where works councils have been elected, an occupational safety and health advisory council will be established, meet at least once every 3 months, and include the following members:

(a) The agency chief or a designated representative.

(b) Two works council members designated by the works council.

(c) The company doctor (contracted company doctor, industrial hygienist, or OHN).

(d) Safety engineers and other industrial safety advisers (for example, safety manager, safety specialist).

(e) Safety representatives.

(8) Severely handicapped employee (SHE) representatives (*AE Reg 690-66*, para 16) will be—

(a) Invited to take part in occupational safety and health advisory councils as an advisor (*SGB IX*, para 95, Art 4(1)). SHE representatives may ask to include issues that concern an individual SHE or SHEs as a group to the agenda of the next meeting.

(b) Informed immediately about issues or decisions that may affect an individual SHE or SHEs as a group (*SGB IX*, para 95, Art 2, sent 1).

(c) Heard before a decision is finalized.

b. Safety Representatives.

(1) Activities with more than 20 employees must appoint one or more safety representatives in writing. The appointment is subject to the codetermination process. The employee will be informed about the appointment. Use of the form in appendix E is optional.

(a) A safety-representative appointment is an additional duty and does not entitle the appointee to extra pay.

(b) Functional managers, supervisors, and shop foremen should not be appointed as safety representatives because they are responsible for safety and accident prevention in their work sections by virtue of their positions.

(c) Safety representatives must be able to perform their duties during their regular working time.

(d) Safety representatives will be appointed for all activities on an installation where LN employees are working (for example, assigned and tenant units, appropriated- and non-appropriated-fund activities, Defense Commissary Agency, Army and Air Force Exchange Service, Defense Logistics Agency, European Stars and Stripes).

(e) Table 1 shows the minimum number of safety representatives required according to the number of employees. The number of safety representatives may be increased when special circumstances exist in an activity with less than 20 employees (for example, high-risk operations, geographically separated locations, shift work). In such cases, a safety representative will always be appointed even if the number of employees is less than 20.

NOTE: Activities are defined as the major functional areas of an organization (for example, engineering, supply, transportation). Under special circumstances, activities with more than 20 LN employees may be represented by one safety representative (table 1). This also applies to headquarters staffs, which have predominantly administrative functions with very few LN employees.

Table 1 Safety Representatives per Employees	
Number of Employees:	Number of Safety Representatives:
Administrative Activities (where mostly office work is conducted)	
20 - 150	1
151 - 500	2
501 - 1,000	3
For each additional 500 employees.	1
Technical Activities (where mostly technical work is conducted)	
20 - 50	1
51 - 150	2
151 - 300	3
For each additional 150 employees.	2

(2) Safety representatives will—

- (a) Serve only as advisors and are not authorized to impose directives.
- (b) Help activity chiefs implement accident-prevention measures, promptly report safety hazards, and recommend corrective action.
- (c) Promote safety awareness among workers.
- (d) Ensure employees conduct themselves in a safe manner and comply with safety regulations.

(3) The *UK-Bund* will provide initial training for safety representatives; servicing safety personnel will provide supplemental training. IMA-EURO will centrally fund *UK-Bund* training.

(4) Activity chiefs will maintain a roster with the following information about each appointed and trained safety representative:

- (a) Name.
- (b) Work section and duty phone.
- (c) Date of initial training, training conducted, other training.

(5) Servicing safety personnel should visit safety representatives at their worksites and conduct regular walk-through inspections to promote training and discussion opportunities.

c. First Aid.

(1) Employers must appoint in writing (app E) one or more emergency responders (volunteer employees who are trained and qualified to provide first aid), according to paragraph 10 of the German Work Safety Law and the Employers' Liability Insurance Association Provisions (*Berufsgenossenschaftliche Vorschrift (BGV A1)*). Safety representatives qualified in first aid are ideal candidates.

(2) An emergency-responder appointment will be—

(a) An additional duty without additional pay.

(b) Coordinated with the local works council according to the rules for codetermination.

(3) The number of appointed emergency responders will be based on the size and type of the activity. There should be at least one emergency responder for activities with up to 20 employees. Activities with more than 20 employees should have 5 percent of the workforce in administrative activities as emergency responders. In all other activities, 10 percent of the workforce will be appointed as emergency responders.

(4) Emergency responders must—

(a) Be trained according to *BGV (A1)*. As a minimum, 16 sessions of instruction, 45 minutes each, are required. The instruction must be conducted at a qualified institution (for example, *Arbeiter-Samariter-Bund Deutschland*, *Deutsches Rotes Kreuz*, *Johanniter Unfallhilfe*, *Malteser-Hilfsdienst*) or by qualified in-house personnel. The *UK-Bund* may grant an exemption to this, if necessary.

(b) Know the location of first-aid facilities, kits, blankets, and stretchers, which should be conspicuously marked. Specialized medical knowledge is not required.

(c) Provide first aid to employees in their area of responsibility when an accidental injury or sudden illness occurs.

(5) Activities will maintain a roster with the following information concerning each appointed and trained emergency responder:

(a) Name.

(b) Work section and duty telephone number.

(c) Date trained (*BGV (A1)*).

(6) First-aid kits must have a 5-year log with a format similar to the one shown in figure 1.

d. Servicing Safety Office. The servicing safety office will determine and advise if an SOP or safety directive is required to supplement this regulation (para 5b(2)). SOPs and other safety directives must be coordinated with the servicing works council. A copy of an SOP or safety directive that has been approved to supplement the regulation must be submitted to the USAREUR G1 (AEAGA-S) for final approval.

INCIDENT					
	First and Last Name (Injured/Ill Employee)	Date/Time	Type of Injury/Illness	Location of Injury/Illness	Cause (if known)
1					
2					
3					
4					
5					
HELP PROVIDED					
	Date	Time	Type of Help	First and Last Name (Emergency Responder)	First and Last Name (Witnesses)
1					
2					
3					
4					
5					
NOTES:					

Figure 1. Sample First-Aid-Kit Log

APPENDIX A REFERENCES

SECTION I PUBLICATIONS

NATO Status of Forces Agreement

Supplementary Agreement to the NATO (Status of Forces Agreement)

NATO Standardization Agreement 2908, Preventive Measures for an Occupational Health Program

Parts 1910 and 1926, Title 29, Code of Federal Regulations

AR 11-9, The Army Radiation Safety Program

AR 25-400-2, The Army Records Information Management System (ARIMS)

AR 385-10, The Army Safety Program

AR 385-14, Transportation Accident Prevention and Emergency Response Involving Conventional Munitions and Explosives

AR 385-16, System Safety Engineering and Management

AR 385-40, Accident Reporting and Records

AR 385-42, Investigation of NATO Nation Aircraft or Missile Accidents and Incidents

AR 385-55, Prevention of Motor Vehicle Accidents

AR 385-61, The Army Chemical Agent Safety Program

AR 385-63, Range Safety

AR 385-64, U.S. Army Explosives Safety Program

AR 385-69, Biological Defense Safety Program

AR 385-95, Army Aviation Accident Prevention

AR 600-55, The Army Driver and Operator Standardization Program (Selection, Training, Testing, and Licensing)

DA Pamphlet 385-1, Small Unit Safety Officer/NCO Guide

DA Pamphlet 385-5, Fundamentals of Safety in Army Sports and Recreation

DA Pamphlet 385-8, Safety Back Injury Prevention

DA Pamphlet 385-40, Army Accident Investigation and Reporting

DA Pamphlet 385-61, Toxic Chemical Agent Safety Standards

DA Pamphlet 385-64, Ammunition and Explosives Safety Standards

DA Pamphlet 385-69, Biological Defense Safety Program

AE Regulation 385-4, Tactical Overwater Operations

AE Regulation 385-7, Respiratory Protection Program

AE Regulation 385-8, Participation in German Traffic Safety Activities

AE Regulation 385-40, Accident Reporting and Records

AE Regulation 690-66, Local National Severely Handicapped Employees in Germany

USAREUR Regulation 385-2, USAREUR Recreational Water Safety Program

USAREUR Regulation 385-10, Implementation of Hazard Communication Standard

USAREUR Regulation 385-12, Radiation Protection Program

USAREUR Regulation 385-13, USAREUR Confined Space Entry Procedures

USAREUR Regulation 385-14, Safety and Occupational Health Interface Program

USAREUR Regulation 385-25, Ergonomic Design of Worksites

USAREUR Regulation 385-25-G, Ergonomische Gestaltung von Büro-/Bildschirmarbeitsplätzen

USAREUR Regulation 385-55, Prevention of Motor Vehicle Accidents

USAREUR Regulation 385-64, USAREUR Explosives Safety Program

USAREUR Regulation 385-100, School Safety Patrols

SECTION II FORMS

DA Form 2028, Recommended Changes to Publications and Blank Forms

AE Form 385-40A, *Unfallanzeige* (LN Accident Report)

APPENDIX B

NATO SOFA AND NATO SOFA SA ARTICLES

The following are excerpts from the NATO Status of Forces Agreement (SOFA), Article IX; Supplementary Agreement to the NATO (SOFA), Articles 53, 53A, and 56; and the Protocol of Signature.

NATO SOFA, Article IX(4)

The conditions of employment and work, in particular wages, supplementary payments, and conditions for the protection of workers, shall be those laid down by the legislation of the receiving State.

Article 53

1. Within accommodation made available for its exclusive use, a force or civilian component may take all the measures necessary for the satisfactory fulfillment of its defense responsibilities. German law shall apply to the use of such accommodation except as provided in the present agreement and other international agreements, and as regards the organization, internal functioning and management of the force and its civilian component, the members thereof and their dependents, and other internal matters which have no foreseeable effect on the rights of third parties or on adjoining communities or the general public. The competent German authorities and the authorities of a force shall consult and cooperate to reconcile any differences that may arise.

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 Article 57, paragraph 7, of the present agreement shall remain unaffected.

2bis. The use of major training areas, local training areas, and local firing ranges by units brought to the Federal Republic for exercise and training purposes shall be subject to prior notification to the competent German authorities for approval. Such use shall be deemed approved unless the German authorities object within 45 days of receiving notification. However, notification alone shall suffice for units of the forces of a notifying State of up to 200 personnel which belong organically to a unit stationed in the Federal Republic, or which are intended for reinforcement of units stationed in the Federal Republic. For purposes of this article, notice given to German authorities during scheduling conferences shall suffice. Additional agreements may be concluded.

2ter. Details on the use of major training areas, air-to-ground weapons ranges, local training areas, and local firing ranges, as well as the notification and approval set out in paragraph 2bis, shall be covered by administrative agreements to be reached at the national level.

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

4. The German authorities and the authorities of the force or of the civilian component shall cooperate to ensure the smooth implementation of the measures in paragraphs 1, 2, and 3 of this article. The details on such cooperation are set forth in paragraphs 5 through 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 defense responsibilities of the force.

6. In order to enable a force or a civilian component to fulfill its defense responsibilities satisfactorily, 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.

Re Article 53

1. Unless otherwise provided, a force shall not be entitled to exploit for economic benefit accommodation made available for its use.

1bis. Measures necessary to meet national training standards of a force shall be among the measures referred to in the first sentence of paragraph 1, Article 53.

2. Exploitation by the person entitled thereto shall be restricted only to the extent necessary to achieve the purpose stated in the first sentence of paragraph 1, Article 53.

3. The term “restricted area (*Schutzbereich*)” shall be interpreted in accordance with its meaning in German law. The term appropriate measures within the meaning of paragraph 6 of Article 53 shall be construed to mean only such measures as can be taken by the German authorities within their legal powers.

4. Should German legislation implementing Article 53 prove insufficient to ensure that the defense responsibilities of a force can be satisfactorily fulfilled, the German authorities and the authorities of the force shall discuss the desirability or necessity of seeking amendment to such legislation.

4bis.

(a) The authorities of a force shall give the competent German authorities at Federal, State, and local levels all reasonable assistance necessary to safeguard German interests, including access to accommodation after prior notification, so that they can fulfill their official duties. The German Federal authorities responsible for the accommodation shall assist the authorities of the force on request. In emergencies and where there is danger in delay, the authorities of the force shall make immediate access possible without prior notification. The authorities of the force shall decide in each case whether they will accompany the German authorities.

(b) In all cases access shall be subject to military security considerations, particularly the inviolability of classified areas, equipment, and documents.

(c) The authorities of the force and the German authorities shall arrange access in such a way that safeguarding German interests and military exercises that are in progress or about to start are not unreasonably prejudicial.

(d) Should there be no agreement in the cases of subparagraphs (a) through (c) above, the competent higher authorities on both sides shall be informed of the issue.

5. Cooperation between the authorities of a force and the German authorities in accordance with Article 53 and, if appropriate, in conjunction with Article 53A, shall extend in particular to the following fields:

(a) Determination of land boundaries and production of site plans and survey documents of plots of land.

(b) Drawing up of property lists, inventories, and valuations of such property.

(c) Public safety and order, including fire precautions (fire protection and assistance); disaster control; industrial safety (*Arbeitsschutz*); prevention of accidents; and safety measures such as those pertaining to rifle ranges, ammunition depots, fuel depots, and dangerous plants.

(d) Health and sanitation (as provided for in Article 54).

(e) Industrial inspection.

(f) Water, gas, and electricity supply; drainage; and sewage disposal.

(g) Property restrictions, protection of neighboring property, town and country planning, protection of monuments and sanctuaries, and environmental protection, including any identification and evaluation of sites rendered hazardous by soil contamination.

(h) Basic preservation of land and buildings.

(i) Water, power, and heating plants, where these serve not only the force, but also German agencies or the civilian population.

(j) Not used.

(k) Use of land and buildings by the civilian population or German authorities for business, agricultural, or residential purposes.

(l) Forestry operations, hunting, shooting, and fishing.

(m) Exploitation of mineral deposits.

(n) Traffic precautions, as well as maintenance and cleaning of roads open to public traffic.

(o) Operation and maintenance of railway connections.

(p) Telecommunications.

6. Cooperation between the authorities of a force and the Federal authorities responsible for the administration of accommodation shall be carried out in accordance with the following procedures:

(a) The authorities of the force and the German authorities shall each designate representatives for a unit or units of accommodation. These representatives shall cooperate in the administration of accommodation to ensure that due consideration is given to the interests of the force and to German interests. The competencies of German technical authorities, particularly under paragraph 4bis of this section, shall remain unaffected.

(b) The military commander responsible for the accommodation or other appropriate authority of the force shall give, in accordance with paragraph 4bis of this section, all reasonable assistance to German representatives.

(c) In conjunction with the provisions of subparagraphs (a) and (b) above, the following procedures shall apply:

(i) The property lists and inventories of property referred to in subparagraph (b) of paragraph 5 of this section shall normally be set up or checked at the beginning and the end of the period for which a unit of accommodation is made available to the force for its use.

(ii) For cooperation in the field of safety measures that apply to rifle ranges, ammunition depots, and fuel depots, joint commissions may be established. Details shall be laid down in administrative agreements.

7. Where provisions of the Supplementary Agreement or special NATO regulations prescribe a certain accommodation, a different procedure for cooperation in the fields referred to in paragraph 5 of this section, such provisions or regulations shall prevail.

Article 53A

1. Where German law applies in connection with the use of accommodation covered by Article 53 of the present agreement, and German law requires that a special permit, license, or other form of official permission be obtained, the German authorities, in cooperation with the authorities of a force and after consulting with them, shall submit the necessary applications and undertake the relevant administrative and legal procedures for the force.

2. The provisions of paragraph 1 of this article shall also apply when the decision is contested by a third party, when measures or facilities are noticeable, and in cases where the proceedings are instituted ex officio, in particular to safeguard public safety and order, or at the recommendation of a third party. In these instances German Federal authorities acting for the force shall defend the interests of the force. If a permission applied for under paragraph 1 of this article is denied or is subsequently modified or rendered invalid in accordance with German law, the authorities of the force and the German authorities shall consult to develop alternative means of meeting the needs of the force according to the requirements of German law.

3. The authorities of the force shall act in strict conformity with the terms and requirements of a legally effective decision taken in accordance with paragraphs 1 and 2 of this article. They shall cooperate closely with German authorities to ensure that this obligation is fulfilled. Such a decision shall not be subject to enforcement.

Article 56

1. (a) German labor law, including the industrial safety law (*Arbeitsschutzrecht*), as applicable to civilian employees working with the German Armed Forces, with the exception of decrees regulating working conditions (*Dienstordnungen*), shop agreements (*Dienstvereinbarungen*), and tariff regulations, shall apply to employment of civilian labor with a force or a civilian component except as otherwise provided in this article and the Section of the Protocol of Signature referring to this article.

(b) When seeking employment with an authority of a force or of a civilian component, the applicant shall be exclusively responsible, if so required, for furnishing proof that he or she has not been convicted of any offence. If the applicant cannot obtain a police certificate (*Führungszeugnis*), the German authorities shall, in accordance with the provisions of German law, provide the employee with an extract from the penal register if the employee presents a certificate from the force or the civilian component showing that he or she has applied for employment and that issuing such an extract would not endanger any essential German interests.

(c) Deleted.

(d) Transfers for duty reasons within the Federal Republic shall require the written consent of the civilian employee; such consent may be given at any time.

(e) Deleted.

(f) Employment of civilian labor with a force or a civilian component shall not be deemed employment with the German public service.

2. (a) The second sentence of paragraph 1 of Section 9 of the Dismissal Protection Law (*Kündigungsschutzgesetz*) shall apply, provided that the employer's application may also be based on the fact that the continuation of employment is precluded by military interests particularly worthy of special protection. The highest service authority may establish credibility (*Glaubhaftmachung*) for military interests that are particularly worthy of protection; in this case the proceedings before the court shall be held in camera. Where the disclosure of reasons could cause a danger of serious detriment to the security of the sending State or of its force, the highest service authority of the force, in concert with the Chief of the Federal Chancellery (*Chef des Bundeskanzleramts*), may establish credibility by means of a formal declaration.

(b) The highest service authority within the meaning of this paragraph shall be the highest agency located in Germany that is administratively responsible for the employing agency of the person under notice.

(c) This paragraph shall not apply to members of works councils (*Betriebsvertretungen*).

3. The provisions of German law concerning social insurance, including accident insurance, unemployment insurance, and childrens allowance shall apply to employees working with a force or a civilian component. The Federal Republic shall be the accident-insurance carrier.

4. German civilian labor working with a force or a civilian component shall be engaged only in services of a noncombatant nature, including civilian guard duties.

5. The German authorities, in agreement with the authorities of a force or of a civilian component, shall—

(a) Establish the terms and conditions of employment, including wages, salaries, and job groupings, which shall serve as the basis for individual employment contracts, and shall conclude tariff agreements.

(b) Regulate payment procedure.

6. The authorities of a force or of a civilian component shall, with respect to the employment of labor, including members of civilian service organizations, have the right of engagement, placement, training, transfer, dismissal, and acceptance of resignations.

7. (a) The authorities of a force or of a civilian component shall determine the number of jobs required and classify such jobs in accordance with the job groupings established under subparagraph (a) of paragraph 5 of this article. The individuals to fill such jobs shall be classified by the authorities of the force or of the civilian component into the appropriate wage or salary groups.

(b) Deleted.

8. Disputes arising out of employment or social insurance shall be subject to German jurisdiction. Lawsuits against the employer shall be filed against the Federal Republic. Lawsuits on behalf of the employer shall be instituted by the Federal Republic.

9. The provisions of German law concerning personnel representation as applicable to the civilian employees of the German Armed Forces shall apply to the employees' representation of civilian labor of a force or of a civilian component unless otherwise provided in the Section of the Protocol of Signature referring to this article.

10. Where the German authorities carry out administrative work with respect to the employment of labor by a force or a civilian component and of its remuneration, the actual costs of such administrative work shall be reimbursed by the force. The procedures therefore shall be regulated by separate agreements between the German authorities and the authorities of each force. In consultation with the appropriate authorities of the force, the German authorities shall adhere to the principles of economic efficiency in carrying out the administrative work.

Re Article 56, paragraph 1

1. The application of industrial safety provisions by the force and the civilian component shall be governed by—

(a) Paragraphs 3 and 4 of Article 53 as well as paragraphs 5 and 6 of the Section of the Protocol of Signature referring to Article 53, particularly in matters of cooperation.

(b) Paragraph 4bis of the Section of the Protocol of Signature referring to Article 53, particularly in matters of support, including access to accommodation.

(c) Article 53A, particularly with respect to administrative decisions.

2. To the extent that agencies designated by the Federal Minister of Defense perform the functions of industrial inspection agencies (*Gewerbeaufsichtsämter*) with regard to the German Armed Forces, those agencies, in cooperation with the authorities of the force and of the civilian component in accordance with paragraph 1 of this Section, shall also be competent for civilian labor with a force or a civilian component.

3. Exemptions applicable to facilities of the German Armed Forces shall also apply to facilities of a force or of a civilian component.

4. Facilities built or installed before the Agreement of 18 March 1993 to amend the present Agreement went into effect shall remain subject to the provisions applicable hitherto regarding technical requirements. This shall not apply where facilities undergo substantial modification, or where their use is changed significantly, or where, because of the nature of their operation, avoidable risks to the life or health of third parties, especially civilian labor, are to be anticipated.

Re Article 56, paragraph 3

Accident-prevention regulations under German law shall be taken into account only to the extent that a force or civilian component has not issued corresponding accident-prevention directives. When promulgating accident-prevention directives, and with respect to other questions regarding accident prevention, the force or civilian component shall seek the advice of the competent German authorities. Where these authorities find that accident-prevention directives appear to be inadequate, consultations in accordance with the third sentence of paragraph 1 of Article 53 shall take place.

Re Article 56, paragraph 5

The competence of German authorities to regulate payment procedures shall not preclude the conclusion of agreements between these authorities and the authorities of a force or of a civilian component, whereby the calculation and payment of the remuneration of civilian labor is performed by agencies other than German authorities.

Re Article 56, paragraph 9

1. The individual administrative units and establishments (*Betriebe*) of a force or of a civilian component as set up in the territory of Germany and defined by the force concerned shall be agencies within the meaning of the Federal Personnel Representation Law (*Bundespersönalvertretungsgesetz*) of 15 March 1974 (*Bundesgesetzblatt Teil I*, page 693) ** with subsequent amendments, up to and including the amendment of 16 January 1991 (*Gesetz über die Beteiligung der Soldaten und der Zivildienstleistenden -BG- vom 16. Januar 1991, Bundesgesetzblatt 1991, Teil I, S. 47*) **, referred to in this section as the Law. Those headquarters that are administratively immediately subordinate to the highest service authority of a force and to which other agencies are administratively subordinate shall be the intermediate authorities. The highest service authority shall be the headquarters of a force, designated by the sending State concerned, exercising final authority over matters that are subject to works-council participation. Where decisions are taken at levels above the highest service authority, the force shall ensure that timely information is provided to the works council. ** Amendment concluded on 16 May 1994 at Bonn, legally not yet effective.)**

2. In the case of duty travel performed by members of a works council (*Betriebsvertretung*), traveling expenses shall be paid pursuant to the tariff provisions governing traveling expenses for salaried civilian employees of the force, but at not less than the second highest rate.

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

4. Application of those provisions of the Law that govern eligibility for holding works-council office, and that relate to length of employment with an agency, may be waived if so agreed by the majority of employees of a given agency and the head of such agency.

5. The head of the agency shall not be required to submit to the members of the works council, to the committee referred to in Section 93 of the Law, and to the conciliatory committee any material that is classified for security reasons; the same shall apply to information extracted from that material. In order to perform its duties, the works council may be granted access to secure areas. Insofar as the regulations of the highest service authority of the force relating to military security preclude or restrict such access, access shall be granted under the same conditions under which civilian employees are allowed access.

6. (a) (i) When in individual cases the right of co-determination provided for in the Law is incompatible with military interests particularly worthy of protection, the extent of the right of co-determination may be restricted. The highest service authority shall communicate in writing the reasons for the restriction on the right of co-determination and shall specify the extent of such a restriction. Where the disclosure of reasons would cause a danger of serious detriment to the security of the sending State or its force, the highest service authority may establish this by means of a formal declaration, which must be confirmed by the President of the Federal Labor Court.

(ii) In cases where accommodation is returned to the Federal Government, the application of the right of co-determination shall not prevent the return of such accommodation to the appropriate German authorities on the projected date of notification by the force. In such cases, the appropriate authorities will conclude special arrangements to take over accommodation, even if it has not been completely vacated.

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

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

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

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

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

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

(b) In those cases where the rights of co-determination are not applicable by virtue of subparagraph (a) above, the cooperation procedure shall apply.

(c) The conciliatory committee envisaged in the co-determination procedure shall consist of two members, one to be appointed by the highest service authority and one by the appropriate works council of that authority, as well as an impartial chairman to be agreed upon by both sides. If no agreement can be reached on the chairman, the appointment shall be made by the Secretary General of the North Atlantic Treaty Organization, unless the parties jointly request the President of the Federal Administrative Court or the Secretary General of the Western European Union to make the appointment. The highest service authority may insist on the members of the conciliatory committee being cleared to handle classified material. At the request of the force or works council concerned, standing or ad hoc conciliatory committees may be established in appropriate circumstances.

(d) The conciliatory committee shall decide by resolution (*Beschluss*). It may meet the requests of the parties concerned only in part. Resolutions shall be passed by majority vote. Conciliatory committee decisions shall be within the framework of legal provisions, including the budgetary laws and highest service regulations of the sending State that are binding upon the authority of the force.

7. The head of the agency shall submit administrative instructions to the works council for its cooperation in accordance with Section 78 of the Law before the instructions are issued, except in circumstances in which paragraph 6 of Section 72 applies in conjunction with the fifth sentence of Section 69 of the Law.

8. Deleted.

9. Where the Law provides for court decisions, the German Labor Courts shall decide cases in accordance with the procedure provided for in German law (*Beschlussverfahren*), and the Federal Republic shall act in the proceedings in the name of a force or a civilian component at their request.

10. At the request of a force or a civilian component, the agency designated by the Federal Republic shall apply for the institution of a criminal prosecution when there is a breach of secrecy (*Verletzung der Schweigepflicht*), in accordance with Article 203, paragraph 2, subparagraph 3, and Article 353b, paragraph 1, subparagraph 3, of the Penal Code.

APPENDIX C GERMAN LAWS AND ORDINANCES

C-1. GERMAN LAWS

Figure C-1 provides a list of German laws that apply to work safety and occupational health for local national employees in Germany.

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1. Law on the implementation of protective measures to improve safety and health of the employees at work (work protection law), dated 7 August 1996, (Federal Law Gazette I, 1986 page 1,246; 1996 page 1,479; 1997 pages 594, 2,970; 1998 page 3,849; 2000 pages 1,983, 2,048). This law regulates the employer's responsibilities on accident prevention and occupational safety and health of the employees.
 2. Social Security Code VII (*Sozialgesetzbuch VII (SGB VII)*), Mandatory Accident Insurance, dated 7 August 1996, (Federal Law Gazette I, pages 1,254, 1,859; 1997 pages 594, 968, 2,631, 2,970, 2,998, 3,108; 1998 page 1,311; 1999 page 2,534; 2000 pages 939, 1,827, 1,971, 1,983; 2001 pages 266, 403, 1,046 (Article 7), 1,313, 1,600, 1,949).
 3. Law on Company Doctors, Safety Engineers, and Other Industrial Safety Advisers (*Arbeitssicherheitsgesetz (ASiG)*), dated 12 December 1973, (Federal Law Gazette I, page 1885). This law is not directly applicable, but stipulations are replaced by a directive on company doctors and industrial advisor services in the administration of Federal organizations; Federal Ministry of the Interior directive on company doctors and industrial advisor services in the administration of Federal organizations, 28 January 1978 (*GMBI*, page 114), as revised 10 November 1981 (*GMBI*, page 516).
 4. Law to protect the working mother (Mother Protection Law - *MuSchG*), dated 24 January 1997, (Federal Law Gazette I, page 293; 2000 page 1,639).
 5. Law to protect the working youth (Youth Work Protection Law - *JArbSchG*), dated 12 April 1976, (Federal Law Gazette I, page 965; 1997 page 1,607; 1998 page 188; 2000 page 1,983).
 6. Law on the protection from hazardous substances (Chemical Law - *ChemG*), dated 20 June 2002, (Federal Law Gazette I Nr. 40 dated 27 June 2002 page 2090; dated 06 Aug 2002 page 3082; dated 25 Nov 2003 page 2304; dated 13 May 2004 page 934).
 7. Law on the peaceful use of nuclear power and the protection against its hazards (Atom Law - *AtG*), dated 15 July 1985, (Federal Law Gazette I, page 1,565; 1994 page 1,618; 1996 page 1,019; 1996 page 1,354; 1997 page 971; 1998 page 694; 2000 page 636 amended 1,350, 1,956, 2,048; 2001 pages 326, 1,950, 2,331; dated 29 October 2001 page 2,785 article 151 amended 2002 page 2,972, page 3,586, 3,602 article 5; 22 April 2002 page 1,351; 19 July 2002 page 2,674; 21 August 2002 page 3,322; 25 November 2003 page 2,304; 6 January 2004 page 2).
 8. Law on technical work media and consumer products (Equipment and Product Safety Law – *GPSG*), dated 6 January 2004, (Federal Law Gazette I, number 1, dated 9 January 2004, page 2, ber. 2004 page 219).
 9. Law regulating safety requirements for products and for the protection of the CE - labeling (Product Safety Law - *ProdSG*), dated 22 April 1997, (Federal Law Gazette I, page 934).
 10. Social Security Code IX (*Sozialgesetzbuch IX (SGB IX)*); law to ensure integration of severely disabled into work, profession, and society, dated 19 June 2001, (Federal Law Gazette I, page 1,046).
 11. Trade Ordinance (*GewO*), dated 22 February 1999, (Federal Law Gazette I, 1999 pages 202, 385; 2000 page 1,983; 2001 page 1,658). The only applicable paragraph of this ordinance is paragraph 120c, which outlines standards for group-boarding facilities.
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Figure C-1. German Work Safety and Occupational Health Laws

C-2. ORDINANCES, GENERAL ADMINISTRATIVE REGULATIONS, AND TECHNICAL RULES

Figure C-2 provides a list of German ordinances, general administrative regulations, and technical rules.

1. Technical rules on acetylene plants and calcium carbide storage (*TRAC*).
 2. Ordinance on special work-safety requirements for working in the open from 1 November through 31 March (Work Protection Ordinance for Winter Construction Sites).
 3. Ordinance on Workplaces (*ArbStättV*).
 - 3.1. Workplace Directive (*ASR*).
 4. Driving Personnel Ordinance (*FPersG*).
 - 4.1. Ordinance (*EWG*) Nr. 3820-85 of the council on harmonization of certain social requirements in road traffic. Ordinance (*EWG*) Nr. 3821-85 of the council on control devices in road traffic.
 5. Technical rules on elevators (*TRA*).
 6. General administrative ordinance on the self-administration and conducting of business and on implementation of the statutory accident insurance within the area of responsibility of the Federal Executive Agency for Accident Insurance (*AVV-UK-Bund*).
 - 6.1. First general administrative ordinance to regulate accident prevention within Federal organizations (1.*AVUBund*).
 7. Ordinance on safety and health protection on construction sites (Construction Site Ordinance - *BaustellV*).
 8. Occupational Illness - Ordinance (*BKV*).
 9. Work on Video Display Terminals is regulated in USAREUR Regulation 385-25.
 10. Technical rules on flammable liquids (*TRBF*).
 11. Technical Rules on Boilers (*TRD*).
 12. Technical rules on the pressure tank ordinance (*TRB*).
 - 12.1. Technical rules on the pressure tank ordinance - pipelines (*TRR*).
 13. Technical rules on compressed gases (*TRG*).
 14. Ordinance on work in compressed air (Compressed Air Ordinance).
 - 14.1. Directive for medical examination of employees required working in pressurized air.
 - 14.2. Directive for exiting with oxygen after work in pressurized air.
 - 14.3. Directive for issuing a certificate according to paragraph 18.2 of the Compressed Air Ordinance.
 15. Technical rules on the ordinance on high pressure gas pipelines (*TRGL*).
 16. Twelfth ordinance on implementation of the Federal Emission Protection Law (Disturbance - Ordinance - 12 *BimSchV*).
 17. Ordinance on the protection from hazardous substances (Hazardous Substance Ordinance - *GefStoffV*).
 - 17.1. Technical rules on hazardous substances (*TRGS*).
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Figure C-2. German Ordinances, General Administrative Regulations, and Technical Rules

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18. First ordinance on the equipment and product safety law (Ordinance on putting electrical equipment into commerce - 1.*GPSGV*).
- 18.1. Second ordinance on the equipment and product safety law (Ordinance on the safety of toys - 2.*GPSGV*).
- 18.2. Third ordinance on the equipment and product safety law (Information on Engine Noise - Ordinance - 3.*GPSGV*).
- 18.3. Sixth ordinance on the equipment and product safety law (Ordinance on putting simple pressure containers into commerce - 6.*GPSGV*).
- 18.4. Seventh ordinance on the equipment and product safety law (Ordinance on putting equipment utilizing gas into commerce - 7.*GPSGV*).
- 18.5. Eighth ordinance on the equipment and product safety law (Ordinance on putting personal protective equipment into commerce - 8.*GPSGV*).
- 18.6. Ninth ordinance on the equipment and product safety law (Ordinance on putting machinery into commerce - 9.*GPSGV*).
- 18.7. Tenth ordinance on the equipment and product safety law (Ordinance on putting sporting boats into commerce - 10.*GPSGV*).
- 18.8. Eleventh ordinance on the equipment and product safety law (Ordinance on putting equipment and protection systems for areas with explosion hazards into commerce - Explosion Protection Ordinance - 11.*GPSGV*).
- 18.9. Twelfth ordinance on the equipment and product safety law (Ordinance on putting elevators into commerce - 12.*GPSGV*).
- 18.10. Thirteenth ordinance on the equipment and product safety law (Ordinance on aerosol containers - 13.*GPSGV*).
- 18.11. Fourteenth ordinance on the equipment and product safety law (Ordinance on pressurized equipment - 14.*GPSGV*).
19. Ordinance on children work protection (Children Work Protection Ordinance – *KindArbSchV*).
- 19.1. Ordinance on medical examination in accordance with the youth-work-protection law.
- 19.2. Ordinance on the prohibition of employing persons less than 18 years for morally endangering work.
20. Ordinance on the safety and health protection at work while moving loads manually (Load Handling Ordinance - *LasthandhabV*).
21. Ordinance on the safety and health at work while using personal protective equipment (*PPE-Use Ordinance - PSA-BV*).
22. Ordinance on the protection from x-ray radiation (X-ray Ordinance - *RöV*).
23. Ordinance on the protection from ionizing radiation (Radiation Protection Ordinance - *StrlSchV*).

Technical Rules

Technical rules as *DIN*, *EN*, *VDE* standards are to be considered in the application of laws and ordinances.

NOTE: Laws, ordinances, and rules apply as amended.

Figure C-2. German Ordinances, General Administrative Regulations, and Technical Rules (Continued)

APPENDIX D
GERMAN ACCIDENT-PREVENTION REGULATION

The following are German Accident Prevention Regulations that apply to local national employees working in Germany:

NEW BGV NR.	OLD VBG NR.	TITEL Title
A 1	1	GENERAL DIRECTIVES <i>Allgemeine Vorschriften</i>
A 3	4	ELECTRICAL FACILITIES AND PLANTS <i>Elektrische Anlagen und Betriebsmittel</i>
A 4	100	PREVENTIVE MEDICINE AT THE WORKPLACE <i>Arbeitsmedizinische Vorsorge</i>
A 5	109	FIRST AID <i>Erste Hilfe</i>
A 6	122	INDUSTRIAL SAFETY ADVISERS <i>Fachkräfte für Arbeitssicherheit</i>
A 7	123	COMPANY DOCTORS <i>Betriebsärzte</i>
A 8	125	SAFETY AND HEALTH LABELING AND MARKING AT THE WORKPLACE <i>Sicherheits und Gesundheitsschutzkennzeichnung am Arbeitsplatz</i>
B 1	91	WORKING WITH HAZARDOUS SUBSTANCES <i>Umgang mit Gefahrstoffen</i>
B 2	93	LASER RADIATION <i>Laserstrahlung</i>
B 3	121	NOISE <i>Lärm</i>
B 4	58	ORGANIC PEROXIDES <i>Organische Peroxide</i>
B 5	55a	EXPLOSIVES - GENERAL REQUIREMENTS <i>Explosivstoffe - Allgemeine Vorschrift</i>
B 6	61	GASES <i>Gase</i>
B 7	62	OXYGEN <i>Sauerstoff</i>
B 8	84	PREVENTION AND TREATMENT OF ANTHRAX <i>Verhütung und Bekämpfung des Milzbrandes</i>
B 12		BIOLOGICAL SUBSTANCES <i>Biologische Arbeitsstoffe</i>
C 1	70	EVENT AND PRODUCTION FACILITIES FOR SHOWS <i>Veranstaltungs- und Produktionsstätten für szenische Darstellung</i>
C 2	72	CIRCUSES, RIDES, ETC. <i>Schausteller- und Zirkusunternehmen</i>
C 3	105	GAMBLING AND SLOTMACHINE ESTABLISHMENTS, CASINOS <i>Spielhallen, Spielkasinos und Automatenäle von Spielbanken</i>
C 4	102	BIOTECHNOLOGY <i>Biotechnologie</i>
C 7	68	SECURITY SERVICES <i>Wach- und Sicherheitsdienste</i>
C 8	103	HEALTH SERVICES <i>Gesundheitsdienst</i>
C 9	120	CASH REGISTERS <i>Kassen</i>
C 10	78	AERONAUTICS <i>Luftfahrt</i>

NEW BGV NR.	OLD VBG NR.	TITEL Title
C 11	42	QUARRIES, TRENCHING <i>Steinbrüche, Gräbereien und Halden</i>
C 12	112	SILOS <i>Silos</i>
	1.11	GARDENING <i>Gartenanlagen (GUV)</i>
C 13	17	ABATTOIR, SLAUGHTER HOUSES <i>Schlachthöfe und Schlachthäuser</i>
C 14	2	HEATING PLANTS <i>Wärmeleistungswerke und Heizwerke</i>
C 15	3	COAL DUST PLANTS <i>Kohlenstaubanlagen</i>
C 21	75	WORK AT SEA PORTS <i>Hafenarbeit</i>
C 22	37	CONSTRUCTION WORK <i>Bauarbeiten</i>
C 24	46	BLASTING WORK <i>Sprengarbeiten</i>
C 25	73	TENTS AND AIR-PRESSURE STRUCTURES <i>Zelte und Tragluftbauten</i>
C 26	80	PICTURE AND FILM REPRODUCTION <i>Bild- und Filmwiedergabe</i>
D 1	15	WELDING, CUTTING, AND SIMILAR PROCESSES <i>Schweißen, Schneiden und verwandte Verfahren</i>
D 2	50	WORK ON GAS LINES <i>Arbeiten an Gasleitungen</i>
	7.4	SEWAGE TREATMENT PLANTS <i>Abwassertechnische Anlagen (GUV)</i>
D 3	64	HEAT TRANSFER FACILITIES WITH ORGANIC HEAT CARRIERS <i>Wärmeübertragungsanlagen mit organischen Wärmeträgern</i>
	8.15	CHLORINATION OF WATER <i>Chlorung von Wasser</i>
D 4	20	REFRIGERATION PLANTS, HEAT PUMPS, AND REFRIGERATION EQUIPMENT <i>Kälteanlagen, Wärmepumpen und Kühleinrichtungen</i>
D 6	9	CRANES <i>Krane</i>
D 7	35	CONSTRUCTION ELEVATORS <i>Bauaufzüge</i>
D 8	8	WINCHES, LIFTING AND PULLING TOOLS <i>Winden, Hub und Zugeräte</i>
D 9	45	WORK WITH SHOOTING APPARATUS <i>Arbeiten mit Schußapparaten</i>
D 10	44	PORTABLE RAMMING EQUIPMENT <i>Tragbare Eintreibgeräte</i>
D 11	88	FIREARMS <i>Tragbare Schußwaffen</i>
D 12	49	GRINDING AND BRUSHING TOOLS <i>Schleif- und Bürstwerkzeuge</i>
D 13	56	MANUFACTURE OF ALUMINUM <i>Herstellen und Bearbeiten von Aluminiumpulver</i>
D 14	57a	HEAT TREATMENT OF ALUMINUM AND ALUMINUM ALLOYS IN SODIUM NITRATE <i>Wärmebehandlung von Aluminium der Aluminiumknetlegierungen in Salpeterbädern</i>
D 15	87	WORK WITH BLASTING EQUIPMENT USING LIQUID MEDIA <i>Arbeiten mit Flüssigkeitsstrahlern</i>

NEW BGV NR.	OLD VBG NR.	TITEL Title
D 16	43	HEATING, FLAME, AND MELTING EQUIPMENT FOR CONSTRUCTION <i>Heiz-, Flämm und Schmelzgeräte für Bau und Montagearbeiten</i>
D 17	76	PACKAGING AND PACKAGING SUPPORT MACHINERY <i>Verpackungs und Verpackungshilfsmaschinen</i>
D 18	77	FOOD PRODUCTION MACHINERY <i>Nahrungsmittelmaschinen</i>
D 19	107	WATER CRAFT WITH PERMITS FOR NAVIGABLE WATERWAYS <i>Wasserfahrzeuge mit Betriebs-Erlaubnis auf Binnengewässern</i>
D 20	107b	MACHINERY ON WATER CRAFT AND FLOATING DOCKS <i>Maschinenanlagen auf Wasser-Fahrzeugen und schwimmenden Geräten</i>
	7.8	WASTE REMOVAL <i>Müllbeseitigung (GUV)</i>
	7.9	STREET CLEANING <i>Straßenreinigung (GUV)</i>
	7.13	FIRE FIGHTING DEPARTMENTS <i>Feuerwehren (GUV)</i>
D 21	40a	FLOATING EQUIPMENT <i>Schwimmende Geräte</i>
D 22	18	PRESSURE VESSELS ON WATERCRAFT <i>Druckluftbehälter auf Wasserfahrzeugen</i>
D 23	111	EXPLOSIVES AND HOLLOW ARTICLES IN METAL SCRAP <i>Sprengkörper und Hohlkörper im Schrott</i>
D 24	24	DRYERS FOR SURFACE COATINGS <i>Trockner für Beschichtungsstoffe</i>
D 25	23	MANUFACTURE AND APPLICATION OF SURFACE COATINGS <i>Verarbeiten von Beschichtungsstoffen</i>
D 26	48	BLASTING WORK <i>Strahlarbeiten</i>
D 27	36	FORK LIFTS <i>Flurförderzeuge</i>
D 28	41	PILE DRIVERS <i>Rammen</i>
D 29	12	VEHICLES <i>Fahrzeuge</i>
D 30	11	RAILROADS <i>Schienenbahnen</i>
D 31	11c	ROPE SUSPENSION RAILWAYS <i>Seilschwebebahnen und Schlepplifte</i>
D 32	89	WORK ON OVERHEAD LINES <i>Arbeiten an Masten, Freileitungen und Oberleitungsanlagen</i>
D 33	38a	WORK IN THE AREA OF TRACKS <i>Arbeiten im Bereich von Gleisen</i>
D 34	21	USE OF LIQUIFIED GASES <i>Verwendung von Flüssiggas</i>
D 35	59	PREPARATION OF NITROUS ESTER FOR MEDICATIONS <i>Zubereitungen aus Salpetersäureestern für Arzneimittel</i>
D 36	74	LADDERS AND STEPS <i>Leitern und Tritte</i>
D 37	55b	BLACK POWDER <i>Schwarzpulver</i>
D 38	55c	PROPELLANT POWDERS <i>Treibladungspulver</i>
D 39	55e	SOLID PROPELLANTS <i>Feste einheitliche Sprengstoffe</i>

NEW BGV NR.	OLD VBG NR.	TITEL Title
D 40	55f	NITROGLYCERINE AND NITRATE EXPLOSIVES <i>Sprengöle und Nitratsprengstoffe</i>
D 41	55h	DETONATING AGENTS <i>Zündstoffe</i>
D 42	55j	FIRING TAPES <i>Pulverzündschnüre und Sprengschnüre</i>
D 43	55k	MANUFACTURE OF PYROTECHNICS <i>Herstellen pyrotechnischer Gegenstände</i>
D 44	55m	AMMUNITION <i>Munition</i>

APPENDIX E
SAMPLE APPOINTMENTS

Figure E-1 is a sample safety-representative appointment and figure E-2 is a sample emergency-responder appointment. Each activity assigned or attached to USAREUR or IMA-EURO must have a safety representative (para 4b) and emergency responder (para 7c) appointment orders on file that has been signed by the activity chief and approved by the servicing works council.

Safety Representative Appointment
(Bestellung zum Sicherheitsbeauftragten)

Organization: _____
(Dienststelle)

Date: _____
(Datum)

Mr./Mrs./Ms.
(Herr/Frau)

(Printed Name)
(Name in Druckbuchstaben)

Is appointed as safety representative for the following operational area:
(wird für den folgenden Arbeitsbereich zum Sicherheitsbeauftragten bestellt:)

Signature of Activity Chief
(Unterschrift Dienststellenleiter)

Signature of Safety Representative
(Unterschrift Sicherheitsbeauftragter)

NOTE: Works Council concurrence is required.
(Anmerkung: Zustimmung der BV erforderlich.)

Figure E-1. Sample Appointment for a Safety Representative

Emergency Responder Appointment

(Bestellung zum Ersthelfer)

Organization: _____
(Dienststelle)

Date: _____
(Datum)

Mr./Mrs./Ms.
(Herr/Frau)

(Printed Name)
(Name in Druckbuchstaben)

Is appointed as an emergency responder for the following operational area:
(wird für den folgenden Arbeitsbereich zum Ersthelfer bestellt:)

Signature of Activity Chief
(Unterschrift Dienststellenleiter)

Signature of Emergency Responder
(Unterschrift Ersthelfer)

NOTE: Works Council concurrence is required.
(Anmerkung: Zustimmung der BV erforderlich.)

Figure E-2. Sample Appointment for an Emergency Responder

GLOSSARY

SECTION I ABBREVIATIONS

<i>ASiG</i>	<i>Arbeitssicherheitsgesetz</i> (Law on Company Doctors, Safety Engineers, and Other Industrial Safety Advisers)
<i>BGV</i>	<i>Berufsgenossenschaftliche Vorschrift</i> (Employers' Liability Insurance Association Provisions)
<i>BPersVG</i>	<i>Bundespersonalvertretungsgesetz</i> (Federal Personnel Representation Law)
CG, USAREUR/7A	Commanding General, United States Army, Europe, and Seventh Army
CTA II	Collective Tariff Agreement II
<i>DIN</i>	<i>Deutsche Industrie Norm</i> (German Industrial Standard)
DOD	Department of Defense
IMA-EURO	United States Army Installation Management Agency, Europe Region Office
<i>EWG</i>	<i>Europäische Wirtschaftsgemeinschaft</i> (European Economic Community)
LN	local national
NATO	North Atlantic Treaty Organization
OHN	occupational health nurse
OSHA	Occupational Safety and Health Act
SA	Supplementary Agreement to the NATO Status of Forces Agreement
<i>SGB</i>	<i>Sozialgesetzbuch</i> (Social Security Code)
SHE	severely handicapped employee
SOFA	Status of Forces Agreement
SOP	standard operating procedure
<i>UK-Bund</i>	<i>Unfallkasse des Bundes</i> (Federal Accident Insurance)
U.S.	United States
<i>UVV</i>	<i>Unfallverhütungsvorschrift</i> (Accident Prevention Regulation)
<i>VBG</i>	<i>Vorschrift der Berufsgenossenschaften</i> (Employers' Liability Insurance Association Provisions)
<i>VDE</i>	<i>Verband der Elektrotechnik, Elektronik, Informationstechnik e.V.</i> (Association of Electro Technique, Electronic, and Information Technique)
<i>WBV</i>	<i>Wehrbereichsverwaltung</i> (German Armed Forces Administration)

SECTION II TERM

employer

The local U.S. Army activity (for example, area support group, base support battalion, division, brigade, or similar organization) where the actual workplace exists, is maintained, and is subordinate to the activity's professional command and control.