

No. 55602*

**Germany
and
United States of America**

Exchange of notes constituting an arrangement between the Government of the Federal Republic of Germany and the Government of the United States of America regarding the granting of exemptions and benefits to enterprises charged with providing troop care services for the United States Forces stationed in the Federal Republic of Germany “MHN Government Services, LLC (DOCPER-TC-50-02) (VN 310)”. Berlin, 4 December 2018

Entry into force: *4 December 2018, in accordance with the provisions of the said notes*

Authentic texts: *English and German*

Registration with the Secretariat of the United Nations: *Germany, 4 January 2019*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Allemagne
et
États-Unis d'Amérique**

Échange de notes constituant un arrangement entre le Gouvernement de la République fédérale d'Allemagne et le Gouvernement des États-Unis d'Amérique relatif à l'octroi d'exemptions et d'allocations aux entreprises chargées de fournir des services de soins aux forces américaines stationnées en République fédérale d'Allemagne « MHN Government Services, LLC (DOCPER-TC-50-02) (VN 310) ». Berlin, 4 décembre 2018

Entrée en vigueur : *4 décembre 2018, conformément aux dispositions desdites notes*

Textes authentiques : *anglais et allemand*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Allemagne, 4 janvier 2019*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

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No. 310

The Embassy of the United States of America presents its compliments to the Foreign Office of the Federal Republic of Germany and has the honor to refer to the Arrangement between the Government of the United States of America and the Government of the Federal Republic of Germany regarding the granting of exemptions and benefits to enterprises charged with providing Troop Care Services to United States Forces stationed in the Federal Republic of Germany (Framework Arrangement), effected by exchange of notes dated 27 March 1998, as amended, and to communicate the following:

With a view to providing services to the United States Forces stationed in the Federal Republic of Germany, members of its civilian component, and dependents of both within the meaning of the NATO Status of Forces Agreement, the Government of the United States of America concluded a contract on the basis of the attached contract number DOCPER-TC-50-02 (contract) with the enterprise MHN Government Services LLC (contractor) for the provision of Troop Care Services.

The Government of the United States of America would appreciate if, in order to facilitate the work, the contractor could be granted exemptions and benefits pursuant to Article 72 of the Supplementary Agreement of 3 August 1959 to the NATO Status of Forces Agreement (NATO SOFA SA) and accordingly proposes to the Government of the Federal Republic of Germany that an Arrangement pursuant to Article 72, paragraph 4, of the NATO SOFA SA be concluded, which shall read as follows:

1. The Government of the United States of America hereby affirms that the United States of America concluded the attached contract with the contractor for the provision of the following services:

DIPLOMATIC NOTE

The contractor provides private and confidential non-medical problem-solving, counseling services in support of the Military and Family Life Counseling Program, to support all active military service members and their families, including severely injured service members and their families. The services augment other existing U.S. Department of Defense military support services or programs available for active military as well as guard and reserve service members and their families.

The Government of the United States of America shall require that, in all aspects of the services provided under the contract, the contractor and its employees respect German law.

The contract comprises the following activity or activities: Family Wellness Counselor.

2. With reference to the Framework Arrangement and under the general conditions agreed therein, especially number 3, the contractor shall be granted the exemptions and benefits pursuant to Article 72, paragraph 1, sub-paragraph (b), of the NATO SOFA SA.
3. The contractor shall in the Federal Republic of Germany serve exclusively the United States Forces stationed in the Federal Republic of Germany, members of its civilian component, and dependents of both.
4. In accordance with the provisions referred to under number 5 of the Framework Arrangement, and in particular also with the restrictions of Article 72, paragraph 5, sub-paragraph (b), of the NATO SOFA SA, employees of the contractor, whose activity or activities are referred to under number 1 above,

shall, if they exclusively serve that contractor, enjoy the same exemptions and benefits as those granted members of the civilian component of the United States Forces, unless the United States of America restricts such exemptions and benefits.

5. The provisions of the Framework Arrangement shall determine the procedures for the granting of the exemptions and benefits herein mentioned.

6. The Government of the United States of America hereby declares that German law shall be respected when performing the contract for the provision of the services referred to under number 1 above. It shall further take all necessary measures to ensure that the contractor, its subcontractors, and their employees respect German law when providing the services referred to under number 1 above.

7. This Arrangement shall cease to have effect on the date which the contract ends unless the Government of the Federal Republic of Germany receives a proposal to further grant exemptions and benefits in the form of a draft of an initiating note at least two weeks before the expiration of the contract. In exceptional cases, the Government of the Federal Republic of Germany may accept the submission of the draft of the initiating note after this deadline, but prior to the expiration of the contract. When the Government of the Federal Republic of Germany receives the proposal at least two weeks before expiration of the contract or it accepts the draft of the initiating note received after that date, employees shall continue to enjoy the exemptions and benefits granted under this Arrangement until the exchange of the actual notes or until a final decision by the Government of the Federal Republic of Germany to not exchange notes on the contract, but not exceeding a period of two months. A synopsis of the

contract with a contract period from 17 May 2018 until 16 May 2028 (Memorandum for Record) is enclosed with this Note Verbale. The Government of the United States of America shall provide the Government of the Federal Republic of Germany with a single copy of the contract. The Government of the United States of America shall inform the Government of the Federal Republic of Germany immediately of the contract termination or extension.

8. In case the contractor acts inconsistently with the provisions of the Framework Arrangement or of the present Arrangement, any party to the present Arrangement may, following consultations, terminate the present Arrangement at any time by notification; the present Arrangement shall cease to be in force three months after the date the notification is received by the other party.
9. The English and German texts of this Arrangement shall be equally authentic.

If the Government of the Federal Republic of Germany agrees to the proposals of the Government of the United States of America contained in numbers 1 to 9, this Note Verbale and the Note in reply thereto from the Foreign Office of the Federal Republic of Germany expressing the agreement of the Government of the Federal Republic of Germany shall constitute an Arrangement between the Government of the United States of America and the Government of the Federal Republic of Germany pursuant to Article 72, paragraph 4, of the NATO SOFA SA, which shall enter into force on 4 December 2018.

The Embassy of the United States of America avails itself of this opportunity to renew to the Foreign Office of the Federal Republic of Germany the assurance of its highest consideration.

Embassy of the United States of America
Berlin, 4 December 2018

