

No. 9122

THAILAND
and
FEDERAL REPUBLIC OF GERMANY

**Agreement concerning Financial Assistance for the Project
of Yanhee Power Distribution System, Second Stage
(with exchange of notes). Signed at Bangkok, on
29 March 1968**

Official texts of the Agreement : Thai, German and English.

Official text of the notes : English.

Registered by Thailand on 29 May 1968.

THAÏLANDE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

**Accord relatif à l'octroi d'une assistance financière pour
l'exécution de la deuxième tranche de travaux du
Projet d'électrification de Yanhee (avec échange de
notes). Signé à Bangkok, le 29 mars 1968**

Textes officiels de l'Accord : thaï, allemand et anglais.

Texte officiel des notes : anglais.

Enregistré par la Thaïlande le 29 mai 1968.

No. 9122. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING FINANCIAL ASSISTANCE FOR THE PROJECT OF YANHEE POWER DISTRIBUTION SYSTEM, SECOND STAGE. SIGNED AT BANGKOK, ON 29 MARCH 1968

The Government of the Kingdom of Thailand and the Government of the Federal Republic of Germany,

In the spirit of the friendly relations existing between the Kingdom of Thailand and the Federal Republic of Germany,

Desiring to strengthen and intensify these friendly relations by fruitful cooperation in the field of development assistance,

Being aware that the maintenance of these relations in the basis for the provisions of the present Agreement,

Recognizing the benefits to be derived by both Governments from closer economic cooperation, and

Intending to promote the development of the Thai economy,

Have agreed as follows :

Article 1

The Government of the Federal Republic of Germany shall enable the Provincial Electricity Authority, Bangkok, to obtain a loan up to a total of twenty million Deutsche Mark from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt/Main, for the implementation of the Yanhee Power Distribution System Project, Second Stage, hereinafter called the "Project".

Article 2

(1) The utilization of the loan and the terms and conditions on which it will be granted shall be governed by the provisions of the contracts to be concluded between the borrower and the Kreditanstalt für Wiederaufbau, which shall be subject to the legal provisions applicable in the Federal Republic of Germany.

¹ Came into force on 29 March 1968 by signature, in accordance with article 9.

(2) The Government of the Kingdom of Thailand shall guarantee to the Kreditanstalt für Wiederaufbau all payments, as well as transfers of such payments, to be made in fulfilment of the borrower's liabilities under the loan contracts concluded.

Article 3

The Government of the Kingdom of Thailand shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other public charges levied in Thailand, in connection with the loan, at the time of the conclusion, or during the execution, of the loan contracts mentioned in Article 2 of the present Agreement.

Article 4

The Government of the Kingdom of Thailand shall, subject to the provisions of Article 5 of the present Agreement, allow passengers and suppliers free choice of means of transport for the transportation of persons and goods under the loan contracts by sea or air; shall refrain from taking any measure which excludes or impedes the participation of German transport enterprises in the transportation of such persons and goods to and from Thailand; and shall grant the necessary permits, if any.

Article 5

The loan may not be used to finance deliveries from, or performances by, the countries or territories as agreed upon between the two Governments in a separate exchange of Notes. This shall also apply to deliveries originating in any of those countries or territories. Similarly, deliveries financed from the loan may not be conveyed in means of transport of those countries or territories.

Article 6

Unless otherwise provided in any individual case, supplies and services for projects financed from the loan shall be subject to public tender in the Federal Republic of Germany.

Article 7

The Government of the Federal Republic of Germany is anxious that, for deliveries resulting from the granting of the loan, preference should be given to products of industries of Land Berlin.

Article 8

With the exception of those provisions of Article 4 which refer to air transport, this Agreement shall also apply to Land Berlin, provided that the Government of the Federal Republic of Germany has not made a contrary declaration to the Government of the Kingdom of Thailand within three months from the entry into force of the present Agreement.

Article 9

This Agreement shall enter into force on the date of signature thereof.

DONE at Bangkok on the 29th March B.E. 2511 corresponding to 1968, in six originals, two each in Thai, German and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the Government
of the Kingdom of Thailand :

Thanat KHOMAN

Minister of Foreign Affairs

For the Government
of the Federal Republic of Germany :

Ulrich SCHESKE

Ambassador

EXCHANGE OF NOTES

I

THE GERMAN AMBASSADOR

Excellency,

I have the honour to refer to Article 5 of the Agreement signed on March 29, 1968 between the Government of the Federal Republic of Germany and the Government of the Kingdom of Thailand concerning Financial Assistance for the Project of Yanhee Power Distribution System, Second Stage, which reads as follows :

“The loan may not be used to finance supplies from, or services by, the countries and territories agreed by both Governments in a separate exchange of Notes. This also includes supplies originating in any of those countries or territories. Similarly, supplies financed from the loan may not be conveyed in means of transport of those countries or territories.”

I have the honour on behalf of the Federal Republic of Germany to present to you, herewith enclosed, a list of the excluded countries and territories. This list may be amended by additional exchanges of Notes. At the same time, I wish to point out that the provisions of Article 5 of the above-mentioned Agreement do not affect any internal German transport between Land Berlin and the other parts of the Federal Republic of Germany.

I should be grateful if you would confirm to me your agreement with the contents of this Note.

Accept, Excellency, the assurance of my highest consideration.

Bangkok, March 29, 1968

Ulrich SCHESKE

His Excellency the Minister of Foreign Affairs
of the Kingdom of Thailand

Mr. Thanat Khoman
Bangkok

LIST

of countries and territories excluded in accordance with Article 5 of the Agreement of March 29, 1968 between the Government of the Federal Republic of Germany and the Government of the Kingdom of Thailand concerning Financial Assistance

A. *Countries*

Albania
North Korea
Cuba
Mongolian People's Republic
Poland
Czechoslovakia
Union of Soviet Socialist Republics
North Vietnam
People's Republic of China

B. *Territories*

Soviet-occupied Zone of Germany
Soviet-occupied Sector of Berlin

II

MINISTRY OF FOREIGN AFFAIRS

SARANROM PALACE

Excellency,

29th March, B.E. 2511

I have the honour to acknowledge the receipt of Your Excellency's Note of March 29, 1968, which reads as follows :

[See note I]

I have the honour to confirm to Your Excellency my concurrence in the contents of Your Excellency's Note.

Accept, Excellency, the renewed assurances of my highest consideration.

Thanat KHOMAN

Minister of Foreign Affairs

His Excellency Dr. Ulrich Scheske
Ambassador Extraordinary and Plenipotentiary
of the Federal Republic of Germany

Bangkok

III

THE GERMAN AMBASSADOR

Excellency,

I have the honour to refer to Article 6 of the Agreement signed today between the Government of the Federal Republic of Germany and the

Government of the Kingdom of Thailand concerning Financial Assistance for the Project of Yanhee Power Distribution System, Second Stage, which reads as follows :

“Unless otherwise provided in any individual case, supplies and services for projects financed from the loan shall be subject to public tender in the Federal Republic of Germany.”

I take the liberty of pointing out that this provision does not apply to the delivery of cables, meters, insulators, insulator pins and lightning arresters for which international tender is envisaged.

I should be grateful if you would confirm to me your agreement with the contents of this Note.

Accept, Excellency, the assurance of my highest consideration.

Ulrich SCHESKE

Bangkok, March 29, 1968

His Excellency the Minister of Foreign Affairs
of the Kingdom of Thailand

Mr. Thanat Khoman

Bangkok

IV

MINISTRY OF FOREIGN AFFAIRS

SARANROM PALACE

Excellency,

29th March, B.E. 2511

I have the honour to acknowledge the receipt of Your Excellency's Note of March 29, 1968, which reads as follows :

[See note III]

I have the honour to confirm to Your Excellency my concurrence in the contents of Your Excellency's Note.

Accept, Excellency, the renewed assurances of my highest consideration.

Thanat KHOMAN

Minister of Foreign Affairs

His Excellency Dr. Ulrich Scheske

Ambassador Extraordinary and Plenipotentiary
of the Federal Republic of Germany

Bangkok