

No. 9569

ARGENTINA
and
FEDERAL REPUBLIC OF GERMANY

Agreement concerning capital assistance (with exchange of notes).
Signed at Buenos Aires on 4 December 1968

Authentic texts of the Agreement: Spanish and German.

Authentic text of the exchange of notes: Spanish.

Registered by Argentina on 14 May 1969.

ARGENTINE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

Accord relatif à l'octroi d'une assistance financière (avec échange de notes). Signé à Buenos Aires le 4 décembre 1968

Textes authentiques de l'Accord: espagnol et allemand.

Texte authentique de l'échange de notes: espagnol.

Enregistré par l'Argentine le 14 mai 1969.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE ARGENTINE REPUBLIC AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING CAPITAL ASSISTANCE

The Government of the Argentine Republic and the Government of the Federal Republic of Germany,

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

Desiring to strengthen and intensify these friendly relations by fruitful economic, technical and scientific co-operation;

Being aware that the maintenance of these relations is the basis for the provisions of this Agreement,

Intending to promote the development of the Argentine economy,

Have agreed as follows:

Article 1

(1) The Government of the Federal Republic of Germany shall enable the Government of the Argentine Republic to obtain a loan of 100 million Deutsche Mark from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt-am-Main, for the partial financing of the natural uranium atomic power station at Atucha.

(2) This loan shall be part of the total financing of the project, for which there is also to be an additional financial credit of 75 million Deutsche Mark from the Kreditanstalt für Wiederaufbau, as well as a credit from the German contractor.

Article 2

(1) The utilization of the loan—and the 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 4 December 1968 by signature, in accordance with article 8.

(2) The Industrial Bank of the Argentine Republic shall guarantee to the Kreditanstalt für Wiederaufbau all payments to be made by the borrower under the contracts to be concluded, and the Central Bank of the Argentine Republic shall guarantee the transfer of payments to be made in fulfilment of the borrower's liabilities under the loan contract.

Article 3

The Government of the Argentine Republic shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other public charges levied in Argentina in connexion with the conclusion or execution of the loan contract mentioned in article 2.

Article 4

With regard to the transportation by sea or air of persons or goods as a result of the granting of the loan, the Government of the Argentine Republic shall allow passengers and suppliers free choice of means of transport and shall refrain from taking any measure which excludes or impedes the participation of German transport enterprises on a basis of equality with Argentine enterprises, and shall grant the necessary permits, if any.

Article 5

The loan may not be used to finance deliveries from, or services by, the countries or territories to be designated by the Government of the Federal Republic of Germany in a separate note.

This provision 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 the said countries or territories.

Article 6

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 7

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 Argentine Republic within three months from the entry into force of the present Agreement.

Article 8

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

DONE at Buenos Aires, on 4 December 1968, in four copies, two in German and two in Spanish, all texts being equally authentic.

For the Government
of the Argentine Republic:

Nicanor COSTA MÉNDEZ
Minister for Foreign Affairs
and Public Worship

For the Government
of the Federal Republic of Germany:

E. G. MOHR

EXCHANGE OF NOTES

I

THE GERMAN AMBASSADOR

Sir,

I have the honour to refer to article 5 of the Agreement signed on 4 December 1968 between the Government of the Argentine Republic and the Government of the Federal Republic of Germany concerning capital assistance, which reads as follows:

“ The loan may not be used to finance deliveries from, or services by, the countries and territories to be designated by the Government of the Federal Republic of Germany in a separate note.

This provision 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 the said countries or territories. ”

In this connexion, on behalf of the Government of the Federal Republic of Germany, I am sending you herewith the following documents:

(a) A list of the excluded countries and territories. I wish to point out that internal German transport between Land Berlin and other parts of the Federal Republic of Germany is not affected by article 5. If it considers it desirable, the Government of the Federal Republic of Germany may, by mutual agreement with the Government of the Argentine Republic, amend this list.

(b) A copy of a declaration—accompanied by a translation into Spanish—in which the firm of Siemens A.G. gives an undertaking to the Embassy of the Federal Republic of Germany in Buenos Aires not to make payment for deliveries and services originating in countries or territories referred to in article 5 of the Agreement from the capital assistance funds provided for the National Atomic Energy Commission's order for the Nuclear Power Station at Atucha, and further undertakes not to transport goods paid for with such capital assistance in ships belonging to States of the Eastern bloc.

On behalf of the Government of the Federal Republic of Germany I declare that the Federal Government considers the above undertaking by the firm of Siemens A.G. as fulfilling the provisions of article 5.

Accept, etc.

Buenos Aires, 4 December 1968.

Ernst Günther MOHR

His Excellency Dr. Nicanor Costa Méndez
Minister for Foreign Affairs and Public Worship

List of countries and territories excluded in accordance with article 5 of the Agreement of September 1968¹ between the Government of the Argentine Republic and the Government of the Federal Republic of Germany concerning capital assistance.

- A. Countries
- Albania
 - North Korea
 - Cuba
 - Mongolian People's Republic
 - Poland
 - Union of Soviet Socialist Republics
 - North Viet-Nam
 - People's Republic of China
- B. Territories
- Soviet-occupied zone of Germany
 - Soviet-occupied sector of Berlin

¹ See footnote page 57.

SIEMENS AKTIENGESELLSCHAFT

To: The Embassy of the Federal Republic of Germany
Buenos Aires

Erlangen, 2 September 1968

ZV 78/IN

Subject: *The National Atomic Energy Commission's order
for the Atomic Power Station at Atucha*

We hereby undertake not to make payment for deliveries and services originating in countries or regions referred to in article 5 of the governmental Agreement (Eastern bloc countries) from the capital assistance funds provided for the above-mentioned order.

We further undertake not to transport goods to be paid for with such capital assistance in ships belonging to States of the Eastern bloc.

Siemens Aktiengesellschaft:

FREWER

INNECKEN

II

Buenos Aires, 4 December 1968

Sir,

I have pleasure in acknowledging receipt of your letter dated 4 December 1968 which reads as follows:

[See note I]

I have pleasure in informing you, on behalf of the Government of the Argentine Republic, of my agreement with the above text. Your note and this reply shall be considered as an integral part of the Agreement in question.

Accept, etc.

Nicanor COSTA MÉNDEZ
Minister for Foreign Affairs and Public Worship

H.E. Ernst Günther Mohr
Ambassador Extraordinary and Plenipotentiary
of the Federal Republic of Germany
Buenos Aires
