

No. 9638

THAILAND
and
FEDERAL REPUBLIC OF GERMANY

Agreement concerning financial assistance for the project " Financing of Investments of Small and Medium-sized Enterprises " (with exchange of notes). Signed at Bangkok on 4 December 1968

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

Authentic text of the notes: English.

Registered by Thailand on 18 June 1969.

THAÏLANDE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

Accord relatif à l'octroi d'une assistance financière destinée au projet « financement des investissements opérés par des petites et moyennes entreprises » (avec échange de notes). Signé à Bangkok le 4 décembre 1968

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

Texte authentique des notes: anglais.

Enregistré par la Thaïlande le 18 juin 1969.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING FINANCIAL ASSISTANCE FOR THE PROJECT “FINANCING OF INVESTMENTS OF SMALL AND MEDIUM-SIZED ENTERPRISES”

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

Preamble

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

Desiring to strengthen and further promote existing friendly relations by fruitful co-operation in the field of development assistance,

Noting that the maintenance of these relations constitutes the basis for the provisions of the present Agreement,

Recognizing the benefits accruing to both Governments as a result of closer economic co-operation,

Intending to assist in the economic and social development of Thailand,

Have agreed as follows:

Article 1

The Government of the Federal Republic of Germany shall enable the Industrial Finance Corporation of Thailand, Bangkok, to raise a loan up to a total of five million German Marks with the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt/Main, for the Project “Financing of Investments of Small and Medium-sized Enterprises”.

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 agreements to

¹ Came into force on 4 December 1968 by signature, in accordance with article 8.

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.

(2) The Government of the Kingdom of Thailand shall guarantee to the Kreditanstalt für Wiederaufbau all payments and the resultant transfer to be made in fulfilment of the borrower's liabilities under the loan agreement 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 the Kingdom of Thailand at the time of the conclusion, or during the execution, of the loan agreement 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 such transportation by sea or air of persons and goods to and from Thailand as results from the loans granted, and shall abstain from taking any measures that might exclude or impair the participation of German transport enterprises and shall grant the necessary permits as required.

Article 5

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

Article 6

With regard to the supplies resulting from the loan granted, the Government of the Federal Republic of Germany attaches particular importance to preference being 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 Kingdom of Thailand within three months of the entry into force of the present Agreement.

Article 8

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

DONE at Bangkok, on the 4th December, B.E. 2511 in six originals, two each in the German, Thai and English languages, each text being equally authentic. In case of divergent interpretations the English text shall prevail.

For the Government
of the Kingdom of Thailand:

Th. KHOMAN
Minister of Foreign Affairs

For the Government
of the Federal Republic
of Germany:

U. SCHESKE
Ambassador

EXCHANGE OF NOTES

I

THE GERMAN AMBASSADOR

Bangkok, December 4, 1968

Excellency,

I have the honour to refer to Article 5 of the Agreement signed on December 4, 1968 between the Government of the Federal Republic of Germany and the Government of the Kingdom of Thailand concerning Financial Assistance, which reads as follows:

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

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 regions. 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.

The Government of the Federal Republic of Germany reserves the right to amend this list by special communication with the concurrence of the Government of Thailand.

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

Accept, Excellency, the assurance of my highest consideration.

U. SCHESKE

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

Mr. Thanat Khoman

Bangkok

List of countries or regions excluded in accordance with Article 5 of the Agreement of December 4, 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
Union of Soviet Socialist Republics
North Vietnam
People's Republic of China

B. *Regions*

Soviet-Occupied Zone of Germany
Soviet-Occupied sector of Berlin

II

MINISTRY OF FOREIGN AFFAIRS

SARANROM PALACE

4th December, B.E. 2511

Excellency,

I have the honour to acknowledge the receipt of Your Excellency's Note of December 4, 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.

Th. K.

(Thanat Khoman)

Minister of Foreign Affairs

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