

No. 16369

**FEDERAL REPUBLIC OF GERMANY
and
EAST AFRICAN COMMUNITY**

**Agreement concerning financial assistance (with annex).
Signed at Dar es Salaam on 9 April 1976**

Authentic texts: German and English.

Registered by the Federal Republic of Germany on 1 February 1978.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
COMMUNAUTÉ DE L'AFRIQUE ORIENTALE**

**Accord d'aide financière (avec annexe). Signé à Dar es-
Salam le 9 avril 1976**

Textes authentiques : allemand et anglais.

Enregistré par la République fédérale d'Allemagne le 1^{er} février 1978.

AGREEMENT¹ BETWEEN THE EAST AFRICAN COMMUNITY AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING FINANCIAL ASSISTANCE

The East African Community and the Government of the Federal Republic of Germany,

In the spirit of the friendly relations existing between the East African Community and the Federal Republic of Germany,

Desiring to strengthen and intensify those friendly relations by fruitful co-operation in the field of development assistance,

Aware that the maintenance of those relations constitutes the basis of the present Agreement,

Intending to promote economic and social development in the East African Community,

Have agreed as follows:

Article 1. The Government of the Federal Republic of Germany shall enable the East African Railways Corporation to raise with the *Kreditanstalt für Wiederaufbau* (Development Loan Corporation), Frankfurt/Main, a loan up to a value of one million, four hundred thousand German Marks for the importation of goods, as specified in the list attached to the present Agreement, to cover current necessary civilian requirements. The said goods must be supplies for which the supply contracts are concluded after 1st February, 1975.

Article 2. The utilization of the loan as well as the terms and conditions on which it is granted shall be governed by the provisions of the agreements to be concluded between the East African Railways Corporation and the *Kreditanstalt für Wiederaufbau* which shall be subject to the legal provisions applicable in the Federal Republic of Germany.

Article 3. The East African Community shall exempt the *Kreditanstalt für Wiederaufbau* from all taxes and other public charges levied by the East African Community at the time of the conclusion, or during the implementation of the agreements referred to in article 2.

Article 4. The East African Community shall allow passengers and suppliers free choice of transport enterprises for such transportation by sea or air of persons and goods as results from the granting of the loan, abstain from taking any measures that might exclude or impair the fair and equal participation of transport enterprises having their place of business in the German area of application of the present Agreement, and grant the relevant permits for such participation as required.

Article 5. The loan is granted on condition that the Member States of the East African Community guarantee with joint and several liability to the *Kreditanstalt für Wiederaufbau* all payments in fulfilment of the borrower's liabilities under the loan agreements to be concluded, exempt the *Kreditanstalt für Wiederaufbau* from all

¹ Came into force on 9 April 1976 by signature, in accordance with article 8.

taxes and other public charges levied in their territories at the time of the conclusion, or during the implementation of the agreements referred to in article 2 above, and allow passengers and suppliers free choice of transport enterprises for such transportation by sea or air of persons and goods as results from the granting of the loan, abstain from taking any measures that might exclude or impair the participation of transport enterprises having their place of business in the German area of application of the present Agreement, and grant the relevant permits for such participation as required. The details shall be regulated in separate agreements to be concluded between the Member States of the East African Community and the Kreditanstalt für Wiederaufbau.

Article 6. With regard to the supplies resulting from the granting of the loan, 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 does not make a contrary declaration to the East African Community within three months after the entry into force of the present Agreement.

Article 8. The present Agreement shall enter into force on the date of signature thereof.

DONE at Dar es Salaam on April 9th, 1976 in duplicate in the English and German languages, both texts being equally authentic.

For the East African
Community:

[Signed — Signé]¹

For the Government
of the Federal Republic
of Germany:

[Signed — Signé]²

A N N E X 1

List of goods pursuant to article 1 of the Agreement of April 9th, 1976, concerning Financial Assistance which may be purchased as commodity assistance by the East African Railways Corporation up to a value of DM 1.4 million (one million, four hundred thousand German Marks):

1. One Hegenscheidt Wheel Lathe type 263/1 or 166.
2. One complete MTU diesel engine type 12V493TZ1o,³ identical to the engines at present fitted to E.A.R. 61 class Henschel locomotives (Makers Nos. 31651-31660).
3. One complete Voith Transmission Unit type L 52o rU2, identical to the units at present fitted to E.A.R. 61 class Henschel locomotives (Makers Nos. 31651-31660).
4. Spares for E.A.R. 61 class locomotives, supplied in 1972 by Rheinische Stahlwerke Transporttechnik, and as detailed in the Indents Nos. CME/74009/74 through CME 74023/74.

¹ Signed by Albers — Signé par Albers.

² Signed by Mtei — Signé par Mtei.

³ Reads "Type 12V393TZ1o" in the German authentic text — Se lit «type 12V393TZ1o» dans le texte authentique allemand.

5. Tools and spares for Hegenscheidt wheel lathes installed in Nairobi Mechanical Engineering Workshops, and as detailed in the following Indents:
- Indent No. 62626/74
 - Indent No. 62668/74, item 3
 - Indent No. 62743/74, item 6
 - Indent No. 62779/74
 - Indent No. 62893/74, item 3.
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