

No. 16803

**FEDERAL REPUBLIC OF GERMANY
and
TOGO**

Agreement concerning financial co-operation — *Project concerning two special purpose ships and a harbour tugboat.* Signed at Lomé on 10 June 1977

Authentic texts: German and French.

Registered by the Federal Republic of Germany on 30 June 1978.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
TOGO**

Accord de coopération financière — *Projet concernant deux navires à usage spécial et un remorqueur de port.* Signé à Lomé le 10 juin 1977

Textes authentiques : allemand et français.

Enregistré par la République fédérale d'Allemagne le 30 juin 1978.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ CONCERNING FINANCIAL CO-OPERATION BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE TOGOLESE REPUBLIC

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

Considering the friendly relations existing between the Federal Republic of Germany and the Togolese Republic,

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

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

Purposing to contribute to economic and social development in the Togolese Republic,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Government of the Togolese Republic to obtain loans not exceeding a total of DM 24 million (twenty-four million Deutsche Mark) from the Kreditanstalt für Wiederaufbau, Frankfurt am Main, for the projects “Two special purpose ships” and “Harbour tugboat”, provided that, after being studied, they are found to merit support.

(2) The Government of the Federal Republic of Germany and the Government of the Togolese Republic may decide by agreement to substitute other projects for the projects specified in paragraph 1.

(3) The Government of the Federal Republic of Germany has declared that it is prepared in principle, in accordance with the existing domestic guidelines and provided that the other conditions as to coverage are fulfilled, to furnish guarantees for that part of the order which is not covered by financial assistance, in an amount not exceeding DM 42 million (forty-two million Deutsche Mark), in respect of export arrangements entered into by enterprises having their headquarters within the German area of application of this Agreement for the purpose of the implementation of the projects referred to in paragraph 1. Articles 2 to 5 shall also apply to tied loans, in so far as the Kreditanstalt für Wiederaufbau is the lender.

Article 2. The utilization of these loans and the conditions on which they are granted shall be governed by the contracts to be concluded between the Togolese Republic and the Kreditanstalt für Wiederaufbau; the said contracts shall be subject to the legal provisions applicable in the Federal Republic of Germany.

Article 3. The Government of the Togolese Republic shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other public charges levied in the

¹ Came into force on 10 June 1977 by signature, in accordance with article 7.

Togolese Republic at the time of the conclusion or execution of the contracts referred to in article 2.

Article 4. The Government of the Togolese Republic shall allow passengers and suppliers a free choice of transport enterprises for such transportation of passengers and goods by sea and air as results from the granting of the loans; it shall refrain from taking any measures that might exclude or impede the participation, on an equal footing, of transport enterprises which have their headquarters within the German area of application of this Agreement and shall issue any permits that may be necessary for the participation of such transport enterprises.

Article 5. Contracts for deliveries and performances relating to projects financed by the loans shall be awarded by public tender exclusively within the German area of application of this Agreement, unless otherwise stipulated in individual cases.

Article 6. With the exception of those provisions of article 4 which relate to air traffic, 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 Togolese Republic within three months from the date of entry into force of this Agreement.

Article 7. This Agreement shall enter into force on the date of its signature.

DONE at Lomé on 10 June 1977, in duplicate in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

Dr. W. SELDIS
ALWIN BRÜCK

For the Government of the Togolese Republic:

ED. KODJO
