

No. 18535

**FEDERAL REPUBLIC OF GERMANY
and
TOGO**

**Agreement concerning financial co-operation (with annex).
Signed at Lomé on 29 January 1979**

Authentic texts: German and French.

Registered by the Federal Republic of Germany on 14 April 1980.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
TOGO**

**Accord de coopération financière (avec annexe). Signé à
Lomé le 29 janvier 1979**

Textes authentiques : allemand et français.

Enregistré par la République fédérale d'Allemagne le 14 avril 1980.

[TRANSLATION — TRADUCTION]

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

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

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

Desiring to strengthen and enhance these friendly relations as partners in financial co-operation,

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

Intending to promote economic and social development in the Togolese Republic,

Have agreed as follows:

Article 1. The Government of the Federal Republic of Germany shall enable the Government of the Togolese Republic, or another borrower to be jointly selected by both Governments, to raise, with the Kreditanstalt für Wiederaufbau, Frankfurt-on-Main, in order to finance both the foreign exchange costs arising from the provision of goods and services to cover current civilian requirements and the foreign exchange and domestic costs arising from the financial import of goods, i.e. transport, insurance and assembly costs, loans up to a total of DM 1.2 million (one million two hundred thousand deutsche mark). The deliveries and services must be from among those appearing in the list annexed to this Agreement and forming an integral part thereof, and the contracts for them must have been concluded after 1 January 1978.

Article 2. (1) Utilization of these loans as well as the terms and conditions on which they are granted shall be governed by the contracts to be concluded between the borrower and the Kreditanstalt für Wiederaufbau, Frankfurt-on-Main; such contracts shall be subject to the legal provisions applicable in the Federal Republic of Germany.

(2) The Government of the Togolese Republic, to the extent that it is not itself the borrower, shall guarantee to the Kreditanstalt für Wiederaufbau, Frankfurt-on-Main, all payments in deutsche mark in discharge of the borrower's liabilities under the contracts to be concluded pursuant to paragraph 1 of this article.

Article 3. The Government of the Togolese Republic shall exempt the Kreditanstalt für Wiederaufbau, Frankfurt-on-Main, from all taxes and other fiscal charges levied in the Togolese Republic at the time of the conclusion or execution of the contracts referred to in article 2 above.

¹ Came into force on 29 January 1979 by signature, in accordance with article 7.

Article 4. The Government of the Togolese Republic shall allow passengers and suppliers free choice of transport enterprises for such transportation of passengers and goods by sea and air as results from the granting of the loan, refrain from taking any measures that might exclude or impede the participation, on an equal footing, of transport enterprises having their principal place of business in the German area of application of this Agreement and grant the relevant permits that may be necessary for the participation of such transport enterprises.

Article 5. The Government of the Federal Republic of Germany attaches particular importance, with regard to supplies and services resulting from the granting of the loan, to preference being given to the economic opportunities provided by *Land Berlin*.

Article 6. 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 declaration to the contrary to the Government of the Togolese Republic within three months after the entry into force of this Agreement.

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

DONE at Lomé on 29 January 1979, in duplicate in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

Dr. WERNER SELDIS
Ambassador

For the Government of the Togolese Republic:

ANANI KUMA AKAKPO-AHIANYO
Minister for Foreign Affairs
and Co-operation

ANNEX [TO THE AGREEMENT OF 29 JANUARY 1979 BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE TOGOLESE REPUBLIC CONCERNING FINANCIAL CO-OPERATION]¹

List of goods and services eligible for financing from the loan up to a total value of DM 1.2 million (one million two hundred thousand deutsche mark) under article 1 of the above-mentioned Agreement:

- (a) Chemical products for the industrial and agricultural sectors, including fertilizers and pharmaceutical products;
- (b) Industrial and agricultural equipment, accessories and spare parts;
- (c) Industrial auxiliary and raw materials for the industrial development of Togo;
- (d) Spare parts for the Togolese railways;

¹ The text between brackets appears only in the French authentic text.

- (e) Lorries and other vehicles not intended for the transport of persons and spare parts for motor vehicles;
- (f) Consulting services, patents and licences.

Imports not included in the above list may be financed only with the prior approval of the Government of the Federal Republic of Germany.

The importation of consumer goods for personal needs, especially luxury goods, as well as any goods and facilities serving military purposes may not be financed from the loan.
