

No. 21624

**FEDERAL REPUBLIC OF GERMANY
and
ZAIRE**

**Agreement concerning financial co-operation. Signed at
Bonn on 19 May 1978**

Authentic texts: German and French.

Registered by the Federal Republic of Germany on 17 March 1983.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
ZAÏRE**

**Accord de coopération financière. Signé à Bonn le 19 mai
1978**

Textes authentiques : allemand et français.

Enregistré par la République fédérale d'Allemagne le 17 mars 1983.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE EXECUTIVE COUNCIL OF THE REPUBLIC OF ZAIRE CONCERNING FINANCIAL CO-OPERATION

The Government of the Federal Republic of Germany and the Executive Council of the Republic of Zaire,

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

Desiring to strengthen and enhance these friendly relations through fruitful co-operation in the field of development aid,

Aware that the maintenance of these relations constitutes the basis of this Agreement,

Intending to contribute to economic and social development in the Republic of Zaire,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Executive Council of the Republic of Zaire, or other borrowers to be jointly selected by both Parties, to raise with the Kreditanstalt für Wiederaufbau, Frankfurt am Main, for projects to be determined by mutual consent at the fifth meeting of the Germano-Zairian Mixed Commission, provided that after examination the projects qualify for promotion, loans of up to DM 45,000,000 (forty-five million Deutsche Mark).

(2) The projects referred to in paragraph 1 may be replaced by other projects if the Government of the Federal Republic of Germany and the Executive Council of the Republic of Zaire so agree.

Article 2. (1) Utilization of these loans as well as the terms and conditions on which they are granted shall be determined by the contracts to be concluded between the borrowers and the Kreditanstalt für Wiederaufbau, which shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

(2) The Executive Council of the Republic of Zaire, to the extent that it is not itself a borrower, shall stand surety *vis-à-vis* the Kreditanstalt für Wiederaufbau for all Deutsche Mark payments in discharge of the borrowers' liabilities under the contracts to be concluded pursuant to paragraph 1.

Article 3. The Executive Council of the Republic of Zaire shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other fiscal charges levied in the Republic of Zaire in connection with the conclusion and execution of the contracts referred to in article 2.

¹ Came into force retroactively on 19 May 1978, the date of signature, after the Executive Council of the Republic of Zaire had notified the Government of the Federal Republic of Germany (on 3 September 1979) that its national requirements had been fulfilled, in accordance with article 8.

Article 4. The Government of the Federal Republic of Germany and the Executive Council of the Republic of Zaire shall allow passengers and suppliers free choice of transport enterprises for such transport by sea and air as results from the granting of the loans, refrain from taking any measures that might exclude or impede the participation on equal terms of transport enterprises having their principal place of business in the German area of application of this Agreement, and grant any necessary permits for the participation of such enterprises.

Article 5. Supplies and services for projects financed from the loans shall, unless otherwise provided for in individual cases, be subject to international public tender.

Article 6. With regard to supplies and services resulting from the granting of the loans, the Government of the Federal Republic of Germany attaches particular importance to preference being given to the economic potential 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 declaration to the contrary to the Executive Council of the Republic of Zaire within the three months following the date of entry into force of this Agreement.

Article 8. This Agreement shall enter into force on the date of its signature as soon as the Executive Council of the Republic of Zaire notifies the Government of the Federal Republic of Germany that the national requirements for such entry into force have been fulfilled by the Republic of Zaire.

DONE at Bonn on 19 May 1978, in two originals, in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:
GENSCHER

For the Executive Council of the Republic of Zaire:
UMBA DI LUTETE
