

**No. 22447**

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**FEDERAL REPUBLIC OF GERMANY  
and  
TUNISIA**

**Agreement concerning financial co-operation. Signed at  
Tunis on 26 May 1982**

*Authentic texts: German and French.*

*Registered by the Federal Republic of Germany on 11 November 1983.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
et  
TUNISIE**

**Accord de coopération financière. Signé à Tunis le 26 mai  
1982**

*Textes authentiques : allemand et français.*

*Enregistré par la République fédérale d'Allemagne le 11 novembre 1983.*

[TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FEDERAL  
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE  
REPUBLIC OF TUNISIA CONCERNING FINANCIAL CO-  
OPERATION

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

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

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

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

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

Referring to the negotiations which took place between their two Governments on 2 and 3 March 1982 at Bonn and to the procès-verbal dated 4 March 1982 relating to those negotiations,

Have agreed as follows:

*Article 1.* (1) The Government of the Federal Republic of Germany shall enable the Government of the Republic of Tunisia or other borrowers to be designated jointly by the two Governments to raise with the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt am Main, for the projects listed in paragraph 2, provided that, after examination, the projects qualify for promotion, loans up to an aggregate of DM 101,400,000 (one hundred one million four hundred thousand deutsche mark).

In addition, the following amounts, which were made available under the terms of the Financial Co-operation Agreement of 11 June 1976<sup>2</sup> and which are no longer required thereunder,

—DM 23,600,000 (twenty-three million six hundred thousand deutsche mark) for the “Bou Heurtma Dam” project, and

—DM 12,000,000 (twelve million deutsche mark) for the “Sidi Salem Dam” project,

shall also be utilized for the projects listed in paragraph 2, so that a total of DM 137,000,000 (one hundred thirty-seven million deutsche mark) shall be available for the financing of these projects.

(2) The total of DM 137 million (one hundred thirty-seven million deutsche mark) shall be utilized as follows:

<sup>1</sup> Came into force on 26 May 1982 by signature, in accordance with article 8.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1074, p. 47.

- (a) A loan of up to DM 44,400,000 (forty-four million four hundred thousand deutsche mark) for the project “Irrigated public land according to the master plan governing water resources in the north and irrigation of Raf Raf and Ras Jebel”;
- (b) A loan of up to DM 30,000,000 (thirty million deutsche mark) for the project “Potable water supply for rural localities with fewer than 500 inhabitants, phase II”;
- (c) A loan of up to DM 28,000,000 (twenty-eight million deutsche mark) for the project “Environmental sanitation for towns in the Medjerdah catchment area”;
- (d) A loan of up to DM 20,000,000 (twenty million deutsche mark) for the dry-agriculture project “Development of natural resources in the forested regions of northern Tunisia”;
- (e) A loan of up to DM 4,000,000 (four million deutsche mark) for the project “Funds for project study”;
- (f) As mixed financing, a loan of up to DM 7,800,000 (seven million eight hundred thousand deutsche mark) for the “Machine tools plant” project;
- (g) As mixed financing, a loan of up to DM 2,800,000 (two million eight hundred thousand deutsche mark) for the “Jerba ferry” project.

(3) In addition, the Government of the Federal Republic of Germany shall enable the Government of the Republic of Tunisia to obtain from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt am Main, financial contributions up to a total of DM 13,600,000 (thirteen million six hundred thousand deutsche mark) for collateral measures required for the implementation and maintenance of the “Bou Heurtma, phase II” and “Promotion of small- and medium-scale industry” projects decided on under the terms of the Agreements of 5 December 1978<sup>1</sup> and 13 December 1980<sup>2</sup> between the two Governments.

These financial contributions shall be utilized as follows:

- (a) An amount of up to DM 1,000,000 (one million deutsche mark) for the project “Assistance to the BDET Development Bank”;
- (b) An amount of up to DM 12,600,000 (twelve million six hundred thousand deutsche mark) for the project “Bou Heurtma irrigation, phase II: agricultural extension”.

(4) This Agreement shall also apply if, at a later date, the Government of the Federal Republic of Germany enables the Government of the Republic of Tunisia to obtain from the Kreditanstalt für Wiederaufbau, Frankfurt am Main, further loans for preparing the projects referred to in paragraphs 2 and 3 above or financial contributions for collateral measures required for the implementation and maintenance of the said projects.

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

<sup>1</sup> United Nations, *Treaty Series*, vol. 1167, p. 101.

<sup>2</sup> *Ibid.*, vol. 1305, No. I-21730.

Financial contributions granted for collateral measures pursuant to paragraph 3 shall be converted into loans if they are not utilized for such measures.

*Article 2.* (1) Utilization of the amounts referred to in article 1 of this Agreement as well as the terms and conditions on which they are granted shall be governed by the contracts to be concluded between the recipient of the loans and financial contributions and the Kreditanstalt für Wiederaufbau; these contracts shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

(2) The Government of the Republic of Tunisia, in so far as it is not itself a borrower, shall stand surety *vis-à-vis* the Kreditanstalt für Wiederaufbau for all deutsche mark payments to be made in discharge of the borrowers' obligations under the contracts to be concluded pursuant to paragraph 1.

*Article 3.* The Government of the Republic of Tunisia shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other fiscal charges levied in the Republic of Tunisia in connection with the conclusion and execution of the contracts referred to in article 2 of this Agreement.

*Article 4.* The Government of the Republic of Tunisia shall allow passengers and suppliers free choice of transport enterprises for such transport by sea and air of passengers and goods as results from the granting of the loans and financial contributions, refrain from taking any measures that might exclude or impede the participation 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 and financial contributions shall, unless provided for in individual cases, be subject to international public tender.

*Article 6.* With regard to supplies and services resulting from the granting of loans and financial contributions, 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 apply also 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 Republic of Tunisia 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.

DONE at Tunis on 26 May 1982 in two originals, in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic  
of Germany:

KAHLE

For the Government of the Republic of Tunisia:

BEN ARFA