

No. 22457

**FEDERAL REPUBLIC OF GERMANY
and
CONGO**

**Agreement concerning financial co-operation. Signed at
Brazzaville on 20 July 1982**

Authentic texts: German and French.

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

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
CONGO**

**Accord de coopération financière. Signé à Brazzaville le
20 juillet 1982**

Textes authentiques : allemand et français.

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

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF THE CONGO CONCERNING FINAN-
CIAL CO-OPERATION

The Government of the Federal Republic of Germany and the Government of the People's Republic of the Congo,

In the spirit of the friendly relations existing between the Federal Republic of Germany and the People's Republic of the Congo,

Desiring to strengthen and intensify 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 People's Republic of the Congo,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Government of the People's Republic of the Congo or another borrower to be designated jointly by the two Governments to raise with the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt am Main, for the project "Water supply for rural centres", provided that, after examination, the project qualifies for promotion, a loan of up to DM 7,950,000 (seven million nine hundred and fifty thousand deutsche mark).

(2) This Agreement shall also apply if, at a later date, the Government of the Federal Republic of Germany enables the Government of the People's Republic of the Congo to obtain from the Kreditanstalt für Wiederaufbau, Frankfurt am Main, further loans or financial contributions for preparing the project "Water supply for rural centres" or financial contributions for collateral measures required for the implementation and maintenance of the said project.

(3) The project referred to in paragraph 1 may be replaced by other projects if the Government of the Federal Republic of Germany and the Government of the People's Republic of the Congo so agree. Financial contributions granted for preparatory and collateral measures pursuant to paragraph 2 shall be converted into loans if they are not utilized for such measures.

Article 2. (1) Utilization of the amount referred to in article 1 of this Agreement as well as the terms and conditions on which it is granted, shall be governed by the contract to be concluded between the Kreditanstalt für Wiederaufbau and the borrower; this contract shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

¹ Came into force on 20 July 1982 by signature, in accordance with article 8.

(2) The Government of the People's Republic of the Congo, 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 borrower's obligations under the contract to be concluded pursuant to paragraph 1.

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

Article 4. The Government of the People's Republic of the Congo 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 loan, 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 loan 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 the loan, 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 People's Republic of the Congo 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 Brazzaville on 20 July 1982 in two originals, in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

[Signed]

HARALD N. NESTROY

Ambassador Extraordinary and Plenipotentiary

For the Government of the People's Republic of the Congo:

[Signed]

F. G. TSIKABAKA-LUPEY

Ambassador, General Secretary for Co-operation