

No. 22980

**FEDERAL REPUBLIC OF GERMANY
and
BURUNDI**

**Agreement concerning financial co-operation (with annex).
Signed at Bujumbura on 9 September 1983**

Authentic texts: German and French.

Registered by the Federal Republic of Germany on 20 June 1984.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
BURUNDI**

**Accord de coopération financière (avec annexe). Signé à
Bujumbura le 9 septembre 1983**

Textes authentiques : allemand et français.

Enregistré par la République fédérale d'Allemagne le 20 juin 1984.

[TRANSLATION — TRADUCTION]

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

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

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

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 Burundi,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Government of the Republic of Burundi and/or other recipients to be designated jointly by the two Governments to obtain from the Kreditanstalt für Wiederaufbau, Frankfurt am Main, for the projects

- (a) Bujumbura water supply, phase II, up to DM 7,000,000 (seven million deutsche mark),
- (b) Bururi/Rumonge power supply, up to DM 10,000,000 (ten million deutsche mark),
- (c) Water supply for five rural centres, up to DM 3,000,000 (three million deutsche mark),
- (d) Bridges programme, up to DM 8,500,000 (eight million five hundred thousand deutsche mark),
- (e) Kirundo power supply, up to 1,500,000 (one million five hundred thousand deutsche mark),
- (f) Funds for studies and experts III, up to DM 3,000,000 (three million deutsche mark),

provided that, after examination, the projects qualify for promotion, financial contributions of up to a total of DM 33,000,000 (thirty-three million deutsche mark).

(2) In addition, the Government of the Federal Republic of Germany shall enable the Government of the Republic of Burundi to obtain from the Kreditanstalt für Wiederaufbau, Frankfurt am Main, for the purpose of financing the foreign-exchange costs of the goods and services provided to cover current civil requirements and the foreign-exchange and national currency transport, insurance and assembly costs incurred in connection with the importation of goods financed under this

¹ Came into force on 9 September 1983 by signature, in accordance with article 10.

Agreement, a financial contribution of up to DM 2,700,000 (two million seven hundred thousand deutsche mark).

Such supplies and services shall be from among those specified in the list annexed to this Agreement for which the relevant delivery contracts have been completed after the signature of the financing contracts to be concluded pursuant to article 2.

(3) Furthermore, the Government of the Federal Republic of Germany shall enable the DEG/Deutsche Finanzierungsgesellschaft für Beteiligungen in Entwicklungsländern GmbH, Cologne, to increase by an amount of FBu 46,490,000 (forty-six million four hundred ninety thousand Burundi francs), its participation in the Banque nationale de développement économique (BNDE), which initially amounted to FBu 53,510,000 (fifty-three million five hundred ten thousand Burundi francs), provided that, after examination, such increase is deemed appropriate.

To this end, the Government of the Federal Republic of Germany shall make available to DEG up to DM 1,300,000 (one million three hundred thousand deutsche mark).

(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 Burundi to obtain from the Kreditanstalt für Wiederaufbau, Frankfurt am Main, further financial contributions for preparing the projects referred to in paragraph 1 of this article or for collateral measures required for the implementation and maintenance of the said projects.

(5) The projects referred to in paragraphs 1 and 3 may be replaced by other projects if the Government of the Federal Republic of Germany and the Government of the Republic of Burundi so agree.

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

(2) The increase in the participation of DEG referred to in article 1, paragraph 3, shall be effected in accordance with regulations governing BNDE.

Article 3. (1) In so far as the participation referred to in article 1, paragraph 3, is concerned, the Government of the Republic of Burundi shall guarantee the free importation of all foreign media of payment connected with the acquisition of the participation as well as the free transfer of proceeds due and the proceeds from disposal or liquidation.

(2) The Government of the Republic of Burundi undertakes, in its own name and on behalf of the bank of Burundi which, on the instructions of the Government, shall be responsible for the currency control measures, not to impede the fulfilment by BNDE of its payment commitments to DEG. Furthermore, the Government of the Republic of Burundi and the aforementioned Burundi bank responsible for the currency control measures shall not impede the payment to DEG of the proceeds from disposal by a purchaser of the participation referred to in article 1, paragraph 3.

(3) The Government of the Republic of Burundi shall, when so requested, confer on the DEG participation referred to in article 1, paragraph 3, the "approved status" provided for in the legislation in force in the Republic of Burundi.

Article 4. (1) The Government of the Republic of Burundi shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other fiscal charges levied in the Republic of Burundi in connection with the conclusion and execution of the contracts referred to in article 2, paragraph 1.

(2) The Government of the Republic of Burundi shall exempt DEG from all taxes and other fiscal charges levied in the Republic of Burundi in connection with the acquisition, disposal or liquidation of the participation referred to in article 1, paragraph 3, and any proceeds therefrom.

Article 5. Should the participation referred to in article 1, paragraph 3, be increased through an issue of bonus shares, the guarantees and undertakings entered into by the Government of the Republic of Burundi under articles 3 and 4 would also apply to the increased participation.

Article 6. The Government of the Republic of Burundi 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 financial contributions referred to in article 1, paragraphs 1 and 2, 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 7. Supplies and services for projects financed from the contributions referred to in article 1, paragraphs 1 (a) to 1 (e), shall, unless provided for in individual cases, be subject to international public tender.

The procurement procedure to be applied for the purpose of implementing the project referred to in article 1, paragraph 1 (f), shall be determined in the financing contract to be concluded between the Kreditanstalt für Wiederaufbau and the recipient.

Article 8. With regard to supplies and services resulting from the granting of the contributions referred to in article 1, paragraphs 1 and 2, the Government of the Federal Republic of Germany attaches particular importance to preference being given to the economic potential of *Land Berlin*.

Article 9. With the exception of those provisions of article 6 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 Republic of Burundi within the three months following the date of the entry into force of this Agreement.

Article 10. This Agreement shall enter into force on the date of its signature.

DONE at Bujumbura, on 9 September 1983, in duplicate in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

WALLNER

For the Government of the Republic of Burundi:

NZEYIMANA

ANNEX TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE REPUBLIC OF
BURUNDI CONCERNING FINANCIAL CO-OPERATION

1. List of goods and services which, under article 1, paragraph 2, of the intergovernmental Agreement of 9 September 1983, may be financed from the financial contribution:

- (a) Industrial raw materials and auxiliary materials and semi-finished products,
- (b) Industrial equipment and agricultural machinery and tools,
- (c) Spare parts and accessories of all kinds,
- (d) Products of the chemical industry, especially fertilizers, pesticides and insecticides, pharmaceutical products,
- (e) Other industrial products of importance for the development of the Republic of Burundi,
- (f) Advisory services, patents and licence fees.

2. Imported goods not included in this list may be financed only with the prior consent of the Government of the Federal Republic of Germany.

3. Imports of luxury and consumer goods for private use and goods and installations for military purposes shall not be financed from the contribution.
