

No. 22976

**FEDERAL REPUBLIC OF GERMANY
and
CONGO**

**Agreement concerning financial co-operation. Signed at
Brazzaville on 21 May 1983**

Authentic texts: German and French.

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

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
CONGO**

**Accord de coopération financière. Signé à Brazzaville le
21 mai 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
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 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 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 other borrowers to be designated jointly by the two Governments to obtain from the Kreditanstalt für Wiederaufbau, Frankfurt am Main, for the projects referred to in paragraph 2, provided that, after examination, the projects qualify for promotion, loans and, if necessary, financial contributions for preparing the said projects and for collateral measures required for their implementation and maintenance of up to a total of DM 8,500,000 (eight million five hundred thousand deutsche mark).

(2) The amount specified in paragraph 1 shall be utilized as follows:

- (a) To improve the cement factory at Loutété and provide management assistance: up to DM 5,500,000 (five million five hundred thousand deutsche mark);
- (b) For the Agence transcongolaise des Communications: up to DM 3,000,000 (three million deutsche mark);

(3) 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 projects referred to in paragraph 2 or other financial contributions for collateral measures required for the implementation and maintenance of the said projects.

(4) 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 People's Republic of the Congo so agree.

Financial contributions granted for preparatory and collateral measures pursuant to paragraphs 1, 2 and 3 shall be converted into loans if they are not utilized for such measures.

¹ Came into force on 21 May 1983 by signature, in accordance with article 8.

Article 2. (1) Utilization of the amounts specified in article 1 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 recipients of the loans and financial contributions; these contracts shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

(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 borrowers' obligations under the contracts 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 contracts referred to in article 2.

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 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. (1) Supplies and services for the project referred to in article 1, paragraph 2 (a) and financed from the loan and the financial contribution shall, unless provided for in individual cases, be subject to international public tender.

(2) Supplies and services for the project referred to in article 1, paragraph 2 (b), of this Agreement and financed from the loan and the financial contribution shall, unless provided for in individual cases, be subject to public tender exclusively within the German area of application of this Agreement.

Article 6. With regard to supplies and services resulting from the granting of the loans and 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 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 21 May 1983, in two originals in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

Dr. ARMIN HILLER

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

WILSON-ABEL NDESSABEKA
