

No. 23548

**FEDERAL REPUBLIC OF GERMANY
and
CONGO**

**Agreement concerning financial co-operation. Signed at
Brazzaville on 25 August 1984**

Authentic texts: German and French.

Registered by the Federal Republic of Germany on 17 September 1985.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
CONGO**

**Accord de coopération financière. Signé à Brazzaville
le 25 août 1984**

Textes authentiques : allemand et français.

Enregistré par la République fédérale d'Allemagne le 17 septembre 1985.

[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 another recipient, to be selected jointly by the two Governments, to obtain from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt am Main, loans of up to a total of DM 5,000,000 (five million deutsche mark), for the following projects:

(a) One timber conveyor unit to be supplied for ATC (ATC III), a loan of up to DM 1,600,000 (one million, six hundred thousand deutsche mark),

(b) Water supply for the rural centres of Ewo and Loutété, loans of up to DM 3,400,000 (three million, four hundred thousand deutsche mark),

provided that, after examination, these projects qualify for promotion.

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 projects referred to in paragraph 1 above or financial contributions for collateral measures required for implementation and maintenance of the projects.

3. The projects 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 agrees.

Financial contributions for preparatory and collateral measures within the meaning of paragraph 2 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 it is granted and the procurement

¹ Came into force on 25 August 1984 by signature, in accordance with article 7.

procedure to be applied shall be governed by the contracts to be concluded between the recipient 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 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' liabilities under the contracts to be concluded pursuant to paragraph 1 above.

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 implementation of the contracts 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 persons and goods as results from the granting of the loans, 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. With regard to supplies and services resulting from the granting of the loans and financial contribution, the Government of the Federal Republic of Germany attaches particular importance to preference being given to the economic potential of *Land Berlin*.

Article 6. 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 7. This Agreement shall enter into force on the date of its signature.

DONE at Brazzaville, on 25 August 1984, in two originals, in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

[Signed]

Dr. ARMIN HILLER
Ambassador Extraordinary and Plenipotentiary
of the Federal Republic of Germany
to the People's Republic of the Congo

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

[Signed]

W. A. NDESSABEKA
Ambassador
General Secretary for Co-operation