

No. 23291

**FEDERAL REPUBLIC OF GERMANY
and
THAILAND**

**Agreement concerning financial co-operation. Signed at
Bangkok on 27 July 1983**

Authentic texts: German, Thai and English.

Registered by the Federal Republic of Germany on 19 March 1985.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
THAÏLANDE**

**Accord de coopération financière. Signé à Bangkok le
27 juillet 1983**

Textes authentiques : allemand, thaï et anglais.

Enregistré par la République fédérale d'Allemagne le 19 mars 1985.

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

The Government of the Federal Republic of Germany and the Government of the Kingdom of Thailand,

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

Desiring to strengthen and intensify those friendly relations through financial co-operation in a spirit of partnership,

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

Intending to contribute to social and economic development in the Kingdom of Thailand,

With reference to the Record of Discussions of 7 April 1982 of the intergovernmental negotiations held in Bonn,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Government of the Kingdom of Thailand or other recipients to be determined jointly by the two Governments to obtain from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt/Main, loans up to a total of DM 48,000,000 (forty-eight million Deutsche Mark) and, as necessary, financial contributions up to a total of DM 15,000,000 (fifteen million Deutsche Mark) for preparatory and attendant project implementation and support measures as well as for the implementation of a social infrastructure project, the total amount of DM 63,000,000 (sixty-three million Deutsche Mark) to be provided as follows if, after examination, the projects listed below have been found eligible for promotion:

- (a) Dam and irrigation system along the Nam Mun river, a loan of up to DM 32,000,000 (thirty-two million Deutsche Mark);
- (b) Maintenance of irrigation projects of the Royal Irrigation Department, a loan of up to DM 3,000,000 (three million Deutsche Mark);
- (c) Expansion and modernization of the rolling stock of the Thai State Railways (re-equipment with air brakes, supply of locomotives), a loan of up to DM 13,000,000 (thirteen million Deutsche Mark);
- (d) Attendant implementation measures for the project referred to in subparagraph (b) above, a financial contribution of up to DM 3,500,000 (three million and five hundred thousand Deutsche Mark);
- (e) Improvement of the social infrastructure of border areas affected by the influx of refugees, a financial contribution of up to DM 10,000,000 (ten million Deutsche Mark);
- (f) Fund for studies and experts, a financial contribution of up to DM 1,500,000 (one million and five hundred thousand Deutsche Mark).

¹ Came into force on 27 July 1983 by signature, in accordance with article 8.

(2) This Agreement shall also apply if, at a later date, the Government of the Federal Republic of Germany enables the Government of the Kingdom of Thailand to obtain from the Kreditanstalt für Wiederaufbau further loans or financial contributions for the preparation of the projects referred to in paragraph 1 above or further financial contributions for attendant measures required for their implementation and support.

(3) The projects referred to in paragraph 1 above may be replaced by other projects if the Government of the Federal Republic of Germany and the Government of the Kingdom of Thailand so agree.

Financial contributions for preparatory and attendant measures pursuant to paragraphs 1 and 2 above shall be converted into loans in the event that they are not used for such measures.

Article 2. (1) The utilization of the amounts referred to in article 1 of this Agreement as well as the terms and conditions on which they are made available shall be governed by the provisions of the agreements to be concluded between the recipients of the loans and financial contributions and the Kreditanstalt für Wiederaufbau, which shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

(2) The Government of the Kingdom of Thailand, insofar as it is not itself the borrower, shall guarantee to the Kreditanstalt für Wiederaufbau all payments in Deutsche Mark to be made in fulfilment of the borrowers' liabilities under the agreements to be concluded pursuant to paragraph 1 above.

Article 3. The Government of the Kingdom of Thailand shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other public charges levied in the Kingdom of Thailand in connection with the conclusion and implementation of the agreements referred to in article 2 of the present Agreement.

Article 4. The Government of the Kingdom of Thailand shall allow passengers and suppliers free choice of transport enterprises for such transportation by sea, land or air of persons and goods as results from the granting of the loans and the financial contributions, abstain from taking any measures that might exclude or impair the fair and equal participation of transport enterprises having their 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 projects financed from the loans and the financial contributions shall, unless otherwise provided for in individual cases, be subject to international public tender.

(2) The procedure to be followed in awarding the contracts for the implementation of the project referred to in article 1 (1) (f) of this Agreement shall be determined in the financing agreement to be concluded between the recipient and the Kreditanstalt für Wiederaufbau.

Article 6. With regard to supplies and services resulting from the granting of the loans and the financial contributions, the Government of the Federal Republic of Germany attaches particular importance to preferential use being made of 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 also apply to Land Berlin, provided that the Government of the Federal Republic of Germany does not make a contrary declaration to the Government of the Kingdom of Thailand within three months of the date of entry into force of this Agreement.

Article 8. This Agreement shall enter into force on the date of signature thereof.

DONE at Bangkok on 27th July 1983 (BE 2526) in duplicate in the German, Thai and English languages, all three texts being authentic. In case of divergent interpretations of the German and Thai texts, the English text shall prevail.

For the Government
of the Federal Republic of Germany:

[Signed]

Dr. HANS CHRISTIAN LANKES
Ambassador of the Federal Republic
of Germany

For the Government
of the Kingdom of Thailand:

[Signed]

Air Chief Marshal SIDDHI SAVETSILA
Minister of Foreign Affairs
of the Kingdom of Thailand
