

No. 24418

**FEDERAL REPUBLIC OF GERMANY
and
TOGO**

**Agreement concerning financial co-operation (with annex).
Signed at Lomé on 17 January 1985**

Authentic texts: German and French.

Registered by the Federal Republic of Germany on 12 November 1986.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
TOGO**

**Accord de coopération financière (avec annexe). Signé à
Lomé le 17 janvier 1985**

Textes authentiques : allemand et français.

Enregistré par la République fédérale d'Allemagne le 12 novembre 1986.

[TRANSLATION — TRADUCTION]

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

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

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

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 Togo,

Referring to the negotiations which were held between the two Governments on 8 and 9 May 1984,

Have agreed as follows:

Article 1. 1. The Government of the Federal Republic of Germany shall enable the Government of the Togolese Republic to obtain from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt am Main, financial contributions of up to a total of DM 60,000,000 (sixty million deutsche mark) for the following projects:

- a) Up to DM 22,000,000 (twenty-two million deutsche mark) for the Togolese financing share of the "Nangbeto hydro-electric power station" project, to be financed jointly with the People's Republic of Benin;
- b) Up to DM 7,000,000 (seven million deutsche mark) for water supply for Tchamba, provided that, after examination, the project qualifies for promotion;
- c) Up to DM 9,000,000 (nine million deutsche mark) for the construction of pre-fabricated bridges in rural areas, provided that, after examination, the project qualifies for promotion;
- d) Up to DM 3,500,000 (three million five hundred thousand deutsche mark) 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 Agreement (Aid for goods III), in accordance with the agreement on purpose of use contained in the record, dated 9 May 1984, of the intergovernmental negotiations in Bonn. Such supplies and services shall be from among those specified in the list annexed to this Agreement for which the relevant delivery or service contracts have been completed after the signature of the financing contract to be concluded pursuant to article 2 of this Agreement;

¹ Came into force on 17 January 1985 by signature, in accordance with article 7.

- e) Up to DM 16,000,000 (sixteen million deutsche mark) for sectoral programme II (Aid for goods intended for specific sectors), provided that, after examination, the project qualifies for promotion;
- f) Up to DM 2,000,000 (two million deutsche mark) for the Fund for studies and experts;
- g) Up to DM 500,000 (five hundred thousand deutsche mark) for the assignment of a nautical expert to the port of Lomé, provided that, after examination, the project qualifies 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 Togolese Republic to obtain from the Kreditanstalt für Wiederaufbau, Frankfurt am Main, further financial contributions for preparation of the projects or for collateral measures required for the implementation and maintenance of the projects.

3. The projects referred to in subparagraphs (a) to (c) and (e) to (g) of paragraph 1 may be replaced by other projects if the Government of the Federal Republic of Germany and the Government of the Togolese Republic so agree.

Article 2. Utilization of the amounts referred to in article 1 of this Agreement, the terms and conditions on which they are granted and the procurement procedure to be applied 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.

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

Article 4. The Government of the Togolese Republic shall allow passengers and suppliers free choice of transport enterprises for such transport by sea or air of persons and goods as results from the granting of the financial contributions, refrain from taking any measures that might exclude or impede the participation on equal terms 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 financial contributions, 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 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 Togolese Republic 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 Lomé on 17 January 1985 in two originals, in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

PETER SCHOLZ

For the Government of the Togolese Republic:

ATSU KOFFI AMEGA

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

(1) List of goods and services which, under article 1, paragraph 1, subparagraph (d), of the Agreement of 17 January 1985, may be financed from the financial contribution: spare parts and accessories for Togolese radio broadcasting.

(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 financial contribution.