

No. 25288

**FEDERAL REPUBLIC OF GERMANY
and
CONGO**

**Agreement concerning financial co-operation. Signed at
Brazzaville on 23 July 1986**

Authentic texts: German and French.

Registered by the Federal Republic of Germany on 22 September 1987.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
CONGO**

**Accord de coopération financière. Signé à Brazzaville le
23 juillet 1986**

Textes authentiques : allemand et français.

Enregistré par la République fédérale d'Allemagne le 22 septembre 1987.

[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, a loan of up to DM 20,000,000 (twenty million deutsche mark) for the project "Supply of eight shunting locomotives", provided that, after examination, this project qualifies for promotion.

(2) In addition, the Government of the Federal Republic of Germany has declared itself prepared in principle, subject to domestic regulations in force and provided that all other coverage requirements are met, to assume guarantees in an amount not exceeding DM 8,000,000 (eight million deutsche mark) for the part of the order not financed from loans granted within the framework of financial co-operation for eight shunting locomotives, which shall be supplied by firms having their principal place of business in the German area of application of this Agreement. The following articles of this Agreement shall also apply to the loan envisaged besides that granted within the framework of financial co-operation, provided that the Kreditanstalt für Wiederaufbau is the lender.

(3) The project 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 agree.

Article 2. (1) Utilization of the amount referred to in article 1, as well as the terms and conditions on which it is granted and the procedure for placing orders, shall be governed by the contracts to be concluded between the Kreditanstalt für Wiederaufbau and the recipient of the loan; these contracts shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

¹ Came into force on 23 July 1986 by signature, in accordance with article 7.

(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 borrower's 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, insurance premiums 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.

Article 4. Supplies and services for projects financed from the loan shall be put out to open tender within the German area of application of this Agreement, unless otherwise decided in a specific case.

Article 5. With regard to supplies and services resulting from the granting of the loan, the Government of the Federal Republic of Germany attaches particular importance to preference being given to the economic potential of *Land Berlin*.

Article 6. 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 23 July 1986, in two originals, in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

KALSCHEUER

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

NGAKA
