

No. 25459

**FEDERAL REPUBLIC OF GERMANY
and
MALAWI**

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

Authentic texts: German and English.

Registered by the Federal Republic of Germany on 9 November 1987.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
MALAWI**

**Accord de coopération financière (avec annexe). Signé à
Lilongwe le 17 juillet 1985**

Textes authentiques : allemand et anglais.

Enregistré par la République fédérale d'Allemagne le 9 novembre 1987.

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

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

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

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 Republic of Malawi,

Have agreed as follows:

Article 1. The Government of the Federal Republic of Germany shall enable the Government of the Republic of Malawi to obtain from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt/Main, a financial contribution of up to DM 11,000,000 (eleven million Deutsche Mark) to meet foreign exchange costs resulting from the purchase of goods and services to cover current civilian requirements, and to meet foreign exchange and local currency costs of transport, insurance and assembly arising in connection with the importation of goods financed under this Agreement.

The supplies and services must be such as are covered by the list annexed to this Agreement and for which supply or service contracts have been concluded after 1 March 1985.

Article 2. The utilization of the amount referred to in Article 1 of this Agreement and the terms and conditions on which it is made available, as well as the procedure for awarding contracts, shall be governed by the provisions of the agreements to be concluded between the recipient of the financial contribution and the Kreditanstalt für Wiederaufbau, which shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

Article 3. The Government of the Republic of Malawi shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other public charges levied in the Republic of Malawi 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 Republic of Malawi shall allow passengers and suppliers free choice of transport enterprises for such transportation by sea or air of persons and goods as results from the granting of the financial contribution, abstain from taking any measures that might exclude or impair the participation of

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

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. With regard to supplies and services resulting from the granting of the financial contribution, the Government of the Federal Republic of Germany attaches particular importance to preferential use being made of 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 contrary declaration to the Government of the Republic of Malawi within three months of the date of entry into force of this Agreement.

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

DONE at Lilongwe on 17th July 1985 in duplicate in the English and German languages, both texts being equally authentic.

[Signed — Signé]¹

For the Government
of the Republic of Malawi

[Signed — Signé]²

For the Government
of the Federal Republic of Germany

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

1. List of goods and services eligible for financing from the financial contribution under Article 1 of the Agreement of 17th July 1985:

- (a) Agriculture: fertilizers, pesticides (except DDT), agricultural production inputs, including means of transport;
 - (b) Public health: medicaments and medical equipment, preferentially for health centres financed or to be financed within the scope of Financial Co-operation;
 - (c) Transport (except for lorries): spare parts, fire extinguishers, refuse collection vehicles.
- The goods and services shall be procured from the Federal Republic of Germany.

2. Imports not included in the above list may only be financed with the prior approval of the Government of the Federal Republic of Germany.

3. The importation of luxury and consumer goods for personal needs as well as any goods and facilities serving military purposes may not be financed from the financial contribution.

¹ Signed by E. C. I. Bwanali — Signé par E. C. I. Bwanali.

² Signed by van Rossum — Signé par van Rossum.