

No. 26087

**FEDERAL REPUBLIC OF GERMANY
and
TOGO**

Agreement concerning financial cooperation — *Loans for various projects* (with annex). Signed at Lomé on 17 October 1986

Authentic texts: German and French.

Registered by the Federal Republic of Germany on 19 July 1988.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
TOGO**

Accord de coopération financière — *Prêts pour divers projets* (avec annexe). Signé à Lomé le 17 octobre 1986

Textes authentiques : allemand et français.

Enregistré par la République fédérale d'Allemagne le 19 juillet 1988.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
TOGOLESE REPUBLIC CONCERNING FINANCIAL COOPER-
ATION

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 cooperation 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 intergovernmental negotiations which took place at Lomé on 28 and 29 April 1986,

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 financial contributions of up to a total of DM 30,000,000 (thirty million deutsche mark) from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt am Main, for the following projects:

- (a) Up to DM 4,000,000 (4 million deutsche mark) for a programme of dirt roads and bridges, preferably in the central region, provided that, on examination, the project is considered deserving of support;
- (b) Up to DM 3,000,000 (three million deutsche mark) for the rehabilitation of the Sokodé water-supply system, provided that, on examination, the project is considered deserving of support;
- (c) Up to DM 5,000,000 (five million deutsche mark) for the Atakpamé transformer station, provided that, on examination, the project is considered deserving of support;
- (d) Up to DM 5,000,000 (five million deutsche mark) for the rehabilitation of the Kpimé hydroelectric power station, provided that, on examination, the project is considered deserving of support;
- (e) Up to DM 4,000,000 (four million deutsche mark) for the connecting road to Lomé Harbour, provided that, on examination, the project is considered deserving of support;

¹ Came into force on 17 October 1986 by signature, in accordance with article 7.

- (f) Up to DM 5,000,000 (five million deutsche mark) for the continuation of the prefabricated bridge programme, provided that, on examination, the project is considered deserving of support;
- (g) Up to DM 4,000,000 (four million deutsche mark) for the purpose of financing the foreign-exchange costs of the goods and services purchased in the German field of application of this Agreement to cover current civil requirements and the foreign-exchange and national-currency costs of transport, insurance and assembly (Goods Assistance IV) incurred in connection with goods imports financed under this Agreement, in accordance with the arrangement concerning intended use contained in the minutes, dated 30 April 1986, of the intergovernmental negotiations held at Lomé. Such goods and services shall be from among those specified in the list annexed to this Agreement for which the supply or service contracts were concluded after the signature of the financing agreement to be concluded pursuant to article 2.

(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 preparing the projects or for collateral measures required for implementation and maintenance of the projects.

(3) The projects referred to in paragraph 1, subparagraphs (a) to (f), 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

The utilization of the amounts referred to in article 1, the terms and conditions on which they are granted and the procurement procedure to be applied shall be governed by the agreements to be concluded between the Kreditanstalt für Wiederaufbau and the recipient of the financial contributions; these agreements 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 agreements referred to in article 2.

Article 4

The Government of the Togolese Republic 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 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 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 6

With the exception of the provisions of article 4 which relate 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 October 1986, in two original copies, each in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

Dr. STELTZER

For the Government of the Togolese Republic:

KOFFI AMEGA

ANNEX TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE TOGOLESE REPUBLIC CONCERNING FINANCIAL COOPERATION

1. List of goods and services which, under article 1, subparagraph *g*, of the intergovernmental agreement of 17 October 1986, may be financed from the financial contribution:

- (a) Industrial raw and auxiliary materials as well as semi-finished products;
- (b) Industrial equipment and agricultural machinery and implements;
- (c) Spare parts and accessories of all kinds;
- (d) Products of the chemical industry, especially fertilizers, pesticides, insecticides and pharmaceutical products;
- (e) Other industrial products of importance for the development of the Togolese Republic;
- (f) Consulting services, patents and royalties.

The goods and services in question must originate in the German field of application of this Agreement.

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.
