

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE KINGDOM OF MOROCCO CONCERNING FINANCIAL CO-OPERATION

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

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

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 the Kingdom of Morocco,

Referring to the minutes of the German-Moroccan intergovernmental negotiations on cooperation for development which took place at Bonn from 30 March to 1 April 1987,

Have agreed as follows:

*Article 1*

(1) The Government of the Federal Republic of Germany shall enable the Government of the Kingdom of Morocco or other recipients, to be selected jointly by the two Governments, to obtain from Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt am Main, loans of up to DM 65 million (sixty-five million deutsche mark) for the following projects: Matmata hydroelectric power station — electro-mechanical equipment; Dry agriculture at Had Court/Ouezzane I; provided that, after examination, the projects are considered deserving of support, and if necessary, financial contributions towards preparation and additional measures required for the implementation and follow-up of those projects.

(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 Morocco to obtain further loans or financial contributions from the Kreditanstalt für Wiederaufbau, Frankfurt am Main.

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

*Article 2*

(1) Utilization of the amount referred to in article 1 of this Agreement, the terms and conditions on which it is granted and the procurement procedure to be applied shall be governed by the agreements to be concluded between the recipients

<sup>1</sup> Came into force on 2 April 1987 by signature, in accordance with article 8.

of the loans or financial contributions and the Kreditanstalt für Wiederaufbau; these agreements shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

(2) The Government of the Kingdom of Morocco, to the extent that it is not itself a borrower, shall stand surety *vis-à-vis* the Kreditanstalt für Wiederaufbau for all payments in deutsche mark to be made in discharge of the borrowers' liabilities under the agreements to be concluded pursuant to paragraph 1 above.

### Article 3

The Government of the Kingdom of Morocco shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other fiscal charges levied in the Kingdom of Morocco in connection with the conclusion and execution of the agreements referred to in article 2 of this Agreement.

### Article 4

The Government of the Kingdom of Morocco 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 loans or financial contributions; it shall 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 shall grant the permits necessary for the participation of such transport enterprises.

### Article 5

With regard to supplies and services resulting from the granting of the loans or 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 Kingdom of Morocco within the three months following the date of entry into force of this Agreement.

### Article 7

(1) From the sum of DM 43 million allocated for the Loukkos II agricultural development project in accordance with the exchange of notes dated 7 October/29 November 1980, a partial amount of DM 5.4 million (five million four hundred thousand deutsche mark) shall be used to meet foreign-exchange costs resulting from the supply 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 (goods assistance). These supplies and services must conform to a list to be agreed between the recipient of the loan and Kreditanstalt für Wiederaufbau and for which supply or service contracts have been concluded after 1 April 1987.

(2) The provisions of this Agreement shall also apply to the goods assistance referred to in paragraph 1 above.

*Article 8*

This Agreement shall enter into force on the date of its signature.

DONE at Bonn on 2 April 1987 in two originals in the German, Arabic and French languages, all three texts being equally authentic. In the case of divergence in the interpretation of the German and Arabic texts, the French text shall prevail.

For the Government of the Federal Republic  
of Germany:

J. RUHFUS

For the Government of the Kingdom of Morocco:

BENSLIMANE

---