

No. 27264

FEDERAL REPUBLIC OF GERMANY
and
CONGO

**Agreement concerning financial cooperation. Signed at
Brazzaville on 27 January 1987**

Authentic texts: German and French.

Registered by the Federal Republic of Germany on 11 May 1990.

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
CONGO

**Accord de coopération financière. Signé à Brazzaville le
27 janvier 1987**

Textes authentiques : allemand et français.

Enregistré par la République fédérale d'Allemagne le 11 mai 1990.

[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 COOPERATION

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 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 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, loans of up to a total of DM 3,600,000 (three million, six hundred thousand deutsche mark) and a financial contribution of up to a total of DM 1,400,000 (one million, four hundred thousand deutsche mark) for collateral measures required for the implementation and maintenance of the project "Water supply for rural centres (phases II and III)", provided that, on examination, the project is considered deserving of support.

(2) This Agreement shall also apply if, at a later date, the Government of the Federal Republic of Germany enables the Government of the People's Republic of the Congo to obtain from the Kreditanstalt für Wiederaufbau, Frankfurt am Main, further loans or financial contributions for preparing the project referred to in paragraph 1 or financial contributions for collateral measures required for the implementation and maintenance of the said project.

(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.

Financial contributions granted for preparatory and collateral measures within the meaning of paragraph 2 shall be converted into loans if they are not utilized for such measures.

¹ Came into force on 27 January 1987 by signature, in accordance with article 7.

Article 2

(1) Utilization of the amounts referred to in article 1 of this Agreement, the terms and conditions on which they are granted and the procedure for placing orders shall be governed by the contracts to be concluded between the recipient of the loans and financial contribution and the Kreditanstalt für Wiederaufbau; these contracts shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

(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 borrowers' obligations under the contracts to be concluded pursuant to paragraph 1.

Article 3

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

Article 4

The Government of the People's Republic of the Congo 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 and financial contribution, refrain from taking any measures that might exclude or impede the participation 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 loans and financial contribution, 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 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 27 January 1987, in two originals in the French and German languages, both texts being equally authentic.

For the Government
of the Federal Republic
of Germany:

WOLFGANG NEUEN
Chargé d'affaires

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

P. N'GAKA
Secretary-General
for Foreign Affairs
and Cooperation
