

No. 27415

**FEDERAL REPUBLIC OF GERMANY
and
BENIN**

**Agreement concerning financial cooperation (with annex).
Signed at Cotonou on 28 June 1988**

Authentic texts: German and French.

Registered by the Federal Republic of Germany on 17 July 1990.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
BÉNIN**

**Accord de coopération financière (avec annexe). Signé à Co-
tonou le 28 juin 1988**

Textes authentiques : allemand et français.

Enregistré par la République fédérale d'Allemagne le 17 juillet 1990.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF BENIN CONCERNING FINANCIAL
COOPERATION

The Government of the Federal Republic of Germany and

The Government of the People's Republic of Benin,

In the spirit of the friendly relations existing between the Federal Republic of Germany and the People's Republic of Benin,

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 Benin,

Referring to the intergovernmental negotiations which took place at Bonn from 13 to 15 April 1988,

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 Benin to obtain financial contributions of up to DM 38,000,000 (thirty-eight million deutsche mark) from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt am Main, for the following projects:

- (a) Up to DM 5,000,000 (five million deutsche mark) for the sectoral programme "Agriculture, phase III", provided that, after examination, the project qualifies for promotion;
- (b) Up to DM 11,000,000 (eleven million deutsche mark) for the project "Water supply to Aborney, Bohicon and Parakou", provided that, after examination, the project qualifies for promotion;
- (c) Up to DM 12,000,000 (twelve million deutsche mark) for the project "Water supply to 10 district towns", provided that, after examination, the project qualifies for promotion;
- (d) Up to DM 5,700,000 (five million seven hundred thousand deutsche mark) for the project "Bridges and footpaths in the province of Atacora", provided that, after examination, the project qualifies for promotion;
- (e) Up to DM 2,300,000 (two million three hundred thousand deutsche mark) for the project "Forestry, phase III";

¹ Came into force on 28 June 1988 by signature, in accordance with article 7.

(f) Up to DM 2,000,000 (two million deutsche mark) for the purpose of financing the foreign-exchange costs of the goods and services provided to cover current civil requirements and the foreign-exchange and national-currency transport, insurance and assembly costs (assistance in goods, V) incurred in connection with the importation of goods financed under the agreement on utilization contained in the Minutes, dated 15 April 1988 of the 1988 intergovernmental negotiations held at Bonn. Such supplies and services shall be from among those specified in the list annexed to this Agreement for which the relevant delivery contracts have been completed after the signature of the contract to be concluded pursuant to article 2 of this Agreement.

(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 Benin to obtain from the Kreditanstalt für Wiederaufbau, Frankfurt am Main, further financial contributions for the preparation of the projects referred to in paragraph 1 above or for collateral measures required for the implementation and maintenance of the said projects.

(3) The projects referred to in paragraph 1, subparagraphs (a) to (d) above, may be replaced by other projects if the Government of the Federal Republic of Germany and the Government of the People's Republic of Benin so agree.

Article 2

Utilization of the amounts referred to in article 1 of this Agreement, the terms and conditions on which they are granted and the procedures to be followed in concluding transactions shall be governed by the contracts to be concluded between the Kreditanstalt für Wiederaufbau and the Government of the People's Republic of Benin; these contracts shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

Article 3

The Government of the People's Republic of Benin shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other fiscal charges levied in the People's Republic of Benin 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 Benin shall allow passengers and suppliers free choice of transport enterprises for such transport by sea and air of passengers and goods as results from the granting of the financial contributions, 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 financial contributions, 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 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 People's Republic of Benin 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 Cotonou on 28 June 1988, in duplicate, in the German and French languages, both texts being equally authentic.

For the Government of the Federal Republic
of Germany:

FRITZ HERMANN FLIMM

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

GUY LANDRY HAZOUME

ANNEX TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BENIN CONCERNING FINANCIAL COOPERATION

1. List of goods and services which, under article 1, paragraph 1 (*f*), of the intergovernmental Agreement of 28 June 1988, may be financed from the financial contribution: Spare parts for ORTB.

Such supplies and services shall be from the German area 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.