

**No. 29536**

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**FEDERAL REPUBLIC OF GERMANY  
and  
CONGO**

**Agreement concerning financial cooperation. Signed at Braz-  
zaville on 22 September 1989**

*Authentic texts: German and French.*

*Registered by Germany on 28 January 1993.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
et  
CONGO**

**Accord de coopération financière. Signé à Brazzaville le  
22 septembre 1989**

*Textes authentiques : allemand et français.*

*Enregistré par l'Allemagne le 28 janvier 1993.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> 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 Gov-  
ernment of the People's Republic of the Congo, or other recipients 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 DM 8,000,000  
(eight million deutsche mark) for the project "ATC IV — Supply of shunting loco-  
motives", provided that, after examination, the project qualifies for promotion.

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 to lay the groundwork for the project re-  
ferred to in paragraph 1, or further financial contributions for collateral measures  
required for the implementation and maintenance of the said project.

3. The project referred to in paragraph 1 above may be replaced by other  
projects if the Government of the Federal Republic of Germany and the Govern-  
ment of the People's Republic of the Congo so agree. Financial contributions for  
preparatory and collateral measures within the meaning of paragraph 2 above shall  
be converted to loans if they are not used for such measures.

*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 procedure for placing orders  
shall be governed by the contracts to be concluded between the Kreditanstalt für

<sup>1</sup> Came into force on 22 September 1989 by signature, in accordance with article 7.

Wiederaufbau and the recipient of the loan; these contracts shall be subject to the laws and regulations applicable in the Federal Republic of Germany.

2. In so far as it is not itself a borrower, the Government of the People's Republic of the Congo shall stand surety *vis-à-vis* the Kreditanstalt für Wiederaufbau for all deutsche mark payments to be made in discharge of the borrower's liabilities under the contracts to be concluded pursuant to paragraph 1 above.

#### 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 implementation 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 contributions, shall 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 shall 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 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 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 entry into force of this Agreement.

#### Article 7

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

DONE at Brazzaville on 22 September 1989, in duplicate in the German and French languages, both texts being equally authentic.

For the Government  
of the Federal Republic  
of Germany:

GEORG MERTEN

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

PIERRE N'GAKA