

No. 29687

**GERMANY
and
PHILIPPINES**

**Agreement concerning financial cooperation. Signed at
Manila on 22 May 1991**

Authentic texts: German and English.

Registered by Germany on 23 March 1993.

**ALLEMAGNE
et
PHILIPPINES**

**Accord de coopération financière. Signé à Manille le 22 mai
1991**

Textes authentiques : allemand et anglais.

Enregistré par l'Allemagne le 23 mars 1993.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING FINANCIAL COOPERATION

The Government of the Republic of the Philippines
and
the Government of the Federal Republic of Germany,

in the spirit of the friendly relations existing between the Republic of the Philippines and the Federal Republic of Germany,

desiring to strengthen and intensify those friendly relations through financial cooperation in a spirit of partnership,

aware that the maintenance of those relations constitutes the basis of this Agreement,

intending to contribute to the social and economic development in the Republic of the Philippines,

with reference to the Summary Record, dated 30 October 1990, of the Philippine-German intergovernmental negotiations conducted in Bonn from 29 to 30 October 1990,

have agreed as follows:

Article 1

- (1) The Government of the Federal Republic of Germany shall enable the Government of the Republic of the Philippines and/or another recipient to be determined jointly by the two Governments to obtain from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt/Main, a loan of up to DM 60,000,000 (sixty million Deutsche Mark) for the project "Rehabilitation of Blocks II and III of Sucat Power Station" if, after examination, the project has been found eligible for promotion.

¹ Came into force on 22 May 1991 by signature, in accordance with article 5.

- (2) This Agreement shall also apply if, at a later date, the Government of the Federal Republic of Germany enables the Government of the Republic of the Philippines and/or another recipient to be determined jointly by the two governments to obtain from the Kreditanstalt für Wiederaufbau, Frankfurt/Main, loans or financial contributions for the preparation of the project "Rehabilitation of Blocks II and III of Sucat Power Station" or financial contributions for attendant measures required for its implementation and support.
- (3) The project referred to in paragraph 1 above may be replaced by other projects if the Government of the Republic of the Philippines and the Government of the Federal Republic of Germany so agree.

Article 2

- (1) The utilization of the amount referred to in Article 1 of this Agreement as well as the terms and conditions on which it is made available shall be governed by the provisions of the agreement to be concluded between the recipient of the loan and the Kreditanstalt für Wiederaufbau, which shall be subject to the laws and regulations applicable in the Federal Republic of Germany.
- (2) The Government of the Republic of the Philippines, in so far as it is not itself the borrower, shall guarantee to the Kreditanstalt für Wiederaufbau all payments in Deutsche Mark to be made in fulfillment of the borrower's liabilities under the agreement to be concluded pursuant to paragraph 1 above.

Article 3

The Government of the Republic of the Philippines shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other public charges levied in the Republic of the Philippines in connection with

the conclusion and implementation of the agreement referred to in Article 2 of the present Agreement.

Article 4

The Government of the Republic of the Philippines shall allow passengers and suppliers free choice of transport enterprises for such transportation by sea or air of persons and goods as results from the granting of the loan, abstain from taking any measures that might exclude or impair the participation on equal terms of transport enterprises having their 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

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

DONE at Manila on May 22, 1991
in duplicate in the English and German languages, both texts
being equally authentic.

For the Government
of the Republic of the Philippines:
[Signed — Signé]¹

For the Government
of the Federal Republic of Germany:
[Signed — Signé]²

¹ Signed by Raul S. Manglapus — Signé par Raul S. Manglapus.

² Signed by Peter Scholz — Signé par Peter Scholz.