

No. 29708

**GERMANY
and
CONGO**

**Agreement concerning financial cooperation—*Projects
“water supply for rural centres” and “assistance in kind”*
(with annex). Signed at Brazzaville on 14 May 1991**

Authentic texts: German and French.

Registered by Germany on 23 March 1993.

**ALLEMAGNE
et
CONGO**

Accord de coopération financière — *Projets « approvisionnement en eau de centres ruraux » et « aide en marchandises »* (avec annexe). Signé à Brazzaville le 14 mai 1991

Textes authentiques : allemand et français.

Enregistré par l'Allemagne le 23 mars 1993.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF THE CONGO CONCERNING FINANCIAL COOPERATION (PROJECTS "WATER SUPPLY FOR RURAL CENTRES AND "ASSISTANCE IN KIND")

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, a loan of up to DM 4,000,000 (four million deutsche mark) for the project "Water supply for rural centres (phase III)", provided that, after examination, the project qualifies for promotion.

(2) Furthermore, the Government of the Federal Republic of Germany shall enable the Government of the People's Republic of the Congo to obtain from the Kreditanstalt für Wiederaufbau, Frankfurt am Main, a loan of up to DM 5,000,000 (five 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 incurred in connection with the importation financed under this Agreement.

Such supplies and services shall be from among those specified in the list annexed to this Agreement for which the relevant delivery or service contracts have been concluded after the signature of the financing contracts to be concluded under article 2.

(3) 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, additional loans or financial contributions for preparing the project referred to in

¹ Came into force on 14 May 1991 by signature, in accordance with article 5.

paragraph (1) or financial contributions for collateral measures required for the implementation and maintenance of the said project.

(4) 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 in accordance with paragraph (3) shall be converted into loans if they are not used for such measures.

Article 2

(1) Utilization of the measures specified in article 1, the terms and conditions on which they are made available and the procedure for awarding service contracts shall be governed by the contracts to be concluded between the Kreditanstalt für Wiederaufbau and the recipients of the loans. 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' liabilities 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.

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 passengers and goods as results from the granting of the loans, refrain from taking any measures that might prevent or impede the participation of transport enterprises having their principal place of business in the Federal Republic of Germany, and grant any necessary permits for the participation of such enterprises.

Article 5

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

DONE at Brazzaville on 14 May 1991 in duplicate, in German and French, both texts being equally authentic.

For the Government
of the Federal Republic of Germany:

[*Signed*]

GEORG MERTEN
Ambassador Extraordinary and Plenipotentiary
of the Federal Republic of Germany

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

[*Signed*]

PASCAL GAYAMA
Secretary for Cooperation
Ministry of Foreign Affairs and Cooperation

ANNEX TO THE AGREEMENT OF 14 MAY 1991 BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF THE CONGO CONCERNING FINANCIAL COOPERATION (PROJECTS: "WATER SUPPLY FOR RURAL CENTRES" AND "ASSISTANCE IN KIND")

(1) List of goods and services which, under article 1, paragraph (2), of the Agreement, may be financed from the loan:

- (a) Industrial raw and auxiliary materials and semi-finished products;
- (b) Industrial equipment and agricultural machinery and implements;
- (c) Spare parts and accessories of all kinds;
- (d) Chemicals, in particular fertilizers, plant protection agents, insecticides and pharmaceuticals;
- (e) Other industrial products of importance to the development of the People's Republic of the Congo;
- (f) Advisory services, patents and licence fees.

(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 loan.
