

No. 22644

FEDERAL REPUBLIC OF GERMANY
and
BANGLADESH

Agreement concerning financial co-operation—*Foreign exchange costs resulting from the purchase of goods and services* (with annex). Signed at Dacca on 16 November 1982

Authentic texts: German, Bengali and English.

Registered by the Federal Republic of Germany on 29 December 1983.

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
BANGLADESH

Accord de coopération financière — *Coût en devises résultant de l'acquisition de biens et de services* (avec annexe). Signé à Dacca le 16 novembre 1982

Textes authentiques : allemand, bengali et anglais.

Enregistré par la République fédérale d'Allemagne le 29 décembre 1983.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF BANGLADESH CONCERNING FINAN-
CIAL CO-OPERATION

The Government of the Federal Republic of Germany and the Government of the People's Republic of Bangladesh,

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

Desiring to strengthen and intensify those friendly relations through financial co-operation in a spirit of partnership,

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

Intending to contribute to social and economic development in the People's Republic of Bangladesh,

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 Bangladesh to obtain from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt/Main, financial contributions up to DM 125,000,000 (one hundred and twenty-five million Deutsche Mark).

(2) The financial contributions shall be used as follows:

- (a) Up to DM 50,000,000 (fifty million Deutsche Mark) to meet foreign exchange costs resulting from the purchase of goods and services to cover current civilian requirements, and to meet foreign exchange and local currency costs of transport, insurance and assembly arising in connection with the importation of goods financed under this Agreement. The supplies and services must be such as are covered by the list annexed to this Agreement and for which supply or service contracts have been concluded after 1 September 1982;
- (b) Up to DM 50,000,000 (fifty million Deutsche Mark) for the project "Extension of Ashuganj Gas-Fired Power Station" if, after examination, the project has been found eligible for promotion;
- (c) Up to DM 21,300,000 (twenty-one million three hundred thousand Deutsche Mark) for the project "Replacement Investment for Ashuganj Gas-Fired Power Station" if, after examination, the project has been found eligible for promotion;
- (d) Up to DM 2,000,000 (two million Deutsche Mark) to replenish the "Study and Expert Fund" project;
- (e) Up to DM 1,700,000 (one million seven hundred thousand Deutsche Mark) to increase the funds for the project "Acquisition of Inland Waterway Vessels".

(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

¹ Came into force on 16 November 1982 by signature, in accordance with article 8.

Bangladesh to obtain from the Kreditanstalt für Wiederaufbau further financial contributions for the preparation of the projects referred to in paragraph 2 (b) and (c) above or for attendant measures required for their implementation and support.

(4) The projects referred to in paragraph 2 (b) and (c) 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 Bangladesh so agree.

Article 2. The utilization of the financial contributions referred to in article 1 of this Agreement as well as the terms and conditions on which they are made available shall be governed by the provisions of the financing agreements to be concluded between the Government of the People's Republic of Bangladesh and the Kreditanstalt für Wiederaufbau, which 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 Bangladesh shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other public charges levied in the People's Republic of Bangladesh in connection with the conclusion and implementation of the financing agreements referred to in article 2 of the present Agreement.

Article 4. The Government of the People's Republic of Bangladesh 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 financial contributions, abstain from taking any measures that might exclude or impair the fair and equal participation 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. Supplies and services for projects financed from the financial contributions in accordance with article 1 (2) (b) and (c) shall, unless otherwise provided for in individual cases, be subject to international public tender.

Article 6. 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 preferential use being made of the economic potential of Land Berlin.

Article 7. With the exception of those provisions of article 4 which refer to air transport, this Agreement shall also apply to Land Berlin, provided that the Government of the Federal Republic of Germany does not make a contrary declaration to the Government of the People's Republic of Bangladesh within three months of the date of entry into force of this Agreement.

Article 8. This Agreement shall enter into force on the date of signature thereof.

DONE at Dacca on 16 November 1982, in duplicate in the German, Bengali and English languages, all three texts being authentic. In case of divergent interpretations of the German and Bengali texts, the English text shall prevail.

For the Government
of the Federal Republic of Germany:

[Signed — Signé]¹

[Signed — Signé]²

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

[Signed — Signé]³

ANNEX TO THE AGREEMENT OF [16 NOVEMBER 1982] BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH CONCERNING FINANCIAL CO-OPERATION

1. List of goods and services eligible for financing from the financial contribution under article 1 (2) (a) of the Agreement of

- (a) Industrial raw and auxiliary materials as well as semi-manufactures,
- (b) Industrial equipment as well as agricultural machinery and implements,
- (c) Spare parts and accessories of all kinds,
- (d) Chemical products, in particular fertilizers, plant protection agents, pesticides, medicaments,
- (e) Means of transport,
- (f) Other industrial products of importance for the development of the People's Republic of Bangladesh,
- (g) Advisory services, patents and licence fees.

2. Imports not included in the above list may only be financed with the prior approval of the Government of the Federal Republic of Germany.

3. The importation of luxury and consumer goods for personal needs as well as any goods and facilities serving military purposes may not be financed from the financial contribution.

¹ Signed by W. Frhr. v. Marschall — Signé par W. Frhr. v. Marschall.

² Signed by Ehmann — Signé par Ehmann.

³ Signed by S. Alam — Signé par S. Alam.