

No. 23523

FEDERAL REPUBLIC OF GERMANY
and
PERU

**Agreement concerning financial co-operation. Signed at
Lima on 9 January 1984**

Authentic texts: German and Spanish.

Registered by the Federal Republic of Germany on 17 September 1985.

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
PÉROU

**Accord de coopération financière. Signé à Lima le 9 janvier
1984**

Textes authentiques : allemand et espagnol.

Enregistré par la République fédérale d'Allemagne le 17 septembre 1985.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF
THE REPUBLIC OF PERU CONCERNING FINANCIAL CO-
OPERATION

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

In the spirit of the friendly relations existing between the Federal Republic of Germany and the Government of the Republic of Peru,

Desiring to strengthen and enhance these friendly relations through financial co-operation 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 Republic of Peru,

Have agreed as follows:

Article 1. (1) The Government of the Federal Republic of Germany shall enable the Government of the Republic of Peru, and/or other borrowers to be designated jointly by the two Governments, to obtain from the Kreditanstalt für Wiederaufbau (Development Loan Corporation), Frankfurt am Main:

- A loan of up to DM 20,000,000 (twenty million deutsche mark) for the project “Water supply and sanitary measures in Arequipa”, and
- Up to DM 3,000,000 (three million deutsche mark) for the project “Materials bank” (promotion of housing construction);

provided that, after examination, the projects qualify 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 Republic of Peru to obtain from the Kreditanstalt für Wiederaufbau, Frankfurt am Main, financial contributions for collateral measures required for the implementation and maintenance of the projects referred to in paragraph 1.

(3) The projects 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 Republic of Peru so agree.

Financial contributions for collateral measures within the meaning of paragraph 2 shall be converted into loans if they are not utilized for such measures.

Article 2. (1) Utilization of the amounts referred to in article 1 as well as the terms and conditions on which they are granted shall be governed by the contracts 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.

¹ Came into force on 9 January 1984 by signature, in accordance with article 8.

(2) The Government of the Republic of Peru, 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 obligations incumbent on the borrowers under the contracts to be concluded as provided for in paragraph 1 above.

Article 3. The Government of the Republic of Peru shall exempt the Kreditanstalt für Wiederaufbau from all taxes and other fiscal charges levied in the Republic of Peru in connection with the conclusion and implementation of the contracts referred to article 2.

Article 4. The Government of the Republic of Peru 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 contribution, refrain from taking any measures that might exclude or impede the participation, on an equal footing, 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. The procurement procedure for implementing the projects referred to in article 1 shall be laid down in the loan contracts to be concluded between the Kreditanstalt für Wiederaufbau and the recipients of the loan.

Article 6. With regard to supplies and services resulting from the granting of the contribution, the Government of the Federal Republic of Germany attaches particular importance to preference being given to 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 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 Republic of Peru within the three months following the date of entry into force of this Agreement.

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

DONE at Lima on 9 January 1984, in two originals, in the German and Spanish languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

Dr. HANS-JOACHIM HILLE
Ambassador of the Federal Republic of Germany

For the Government of the Republic of Peru:

Dr. FERNANDO SCHWALB LÓPEZ ALDANA
Minister for Foreign Affairs of Peru