

No. 47658

**Germany
and
Ghana**

Exchange of notes constituting an arrangement between the Government of the Federal Republic of Germany and the Government of the Republic of Ghana concerning the establishment of a delegation of German industry and commerce in Accra. Accra, 29 December 2009 and 16 February 2010

Entry into force: *16 February 2010, in accordance with the provisions of the said notes*

Authentic texts: *English and German*

Registration with the Secretariat of the United Nations: *Germany, 8 July 2010*

**Allemagne
et
Ghana**

Échange de notes constituant un arrangement entre le Gouvernement de la République fédérale d'Allemagne et le Gouvernement de la République du Ghana concernant l'établissement d'une délégation pour l'industrie et le commerce allemands à Accra. Accra, 29 décembre 2009 et 16 février 2010

Entrée en vigueur : *16 février 2010, conformément aux dispositions desdites notes*

Textes authentiques : *anglais et allemand*

Enregistrement auprès du Secrétariat des Nations Unies : *Allemagne, 8 juillet 2010*

[ENGLISH TEXT – TEXTE ANGLAIS]

I

Note Verbale

The Embassy of the Federal Republic of Germany presents its compliments to the Ministry of Foreign Affairs and Regional Integration of the Republic of Ghana and, in conformity with the good relations between our two countries and intending to promote the economic relations and in particular cooperation in the field of trade and industry between the two countries, above all in the area of small and medium-sized industries, has the honour to propose that an Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Ghana concerning the establishment of a Delegation of German Industry and Commerce in Accra be concluded, to read as follows:

1. With the aim of supporting economic cooperation between the two countries as stated above, the Government of the Federal Republic of Germany has requested permission from the Government of the Republic of Ghana to establish a Delegation of German Industry and Commerce (hereinafter referred to as the “Delegation”) in Accra, in accordance with Ghanaian law. The Government of the Republic of Ghana has agreed to the request of the Government of the Federal Republic of Germany. The Delegation shall be a representation of the German Association of Chambers of Industry and Commerce (DIHK). Its official name shall be the “Delegation of German Industry and Commerce”.

2. The purpose of the Delegation is to promote trade and economic relations between companies, organizations and tradespersons from the Republic of Ghana and the Federal Republic of Germany. It shall lobby in the interests of businesses from both countries

To the
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and promote commercial activity in both directions. The Delegation shall pursue no profit-oriented objectives. It is entitled to charge fees for its services to recoup its costs.

3. The Delegation shall be registered with the Ministry of Foreign Affairs and Regional Integration of the Republic of Ghana. The Delegation shall be located in Accra. It may, pursuant to Ghanaian law and regulation, establish and maintain other branch offices in the territory of the Republic of Ghana.

4. The Delegation shall receive financial support for its work in the field of external economic promotion from the Federal Ministry of Economics and Technology and the DIHK. Payments made directly or indirectly by the Federal Republic of Germany to the Delegation for the purpose of covering costs shall, pursuant to Ghanaian law, be exempt from direct taxes. The Delegation is permitted to have bank accounts in the Republic of Ghana and in the Federal Republic of Germany. Federal allocations disbursed via the DIHK to maintain the Delegation may be transferred at any time, freely and without restrictions, to the Delegations bank accounts in the Republic of Ghana at the official exchange rate.

5. Persons working for the Delegation on behalf of the DIHK for the purposes specified in paragraph 2 above and their family members (spouse / life partner and their minor, unmarried children) are not members of the diplomatic missions or consular posts of the Federal Republic of Germany in the Republic of Ghana. They do not enjoy the privileges and immunities granted to the staff of such missions and posts.

6. The competent Ghanaian authorities shall issue residence permits to the persons specified in paragraph 5 above expeditiously within the scope of the applicable laws and regulations. The residence permits shall entitle the bearer to multiple entries and exits for the duration of their validity. In accordance with national law, the permits shall be issued the first time for a maximum period of five years and may be extended thereafter. A residence permit in the form of a visa must be obtained from a Ghanaian diplomatic mission or career consular post before leaving Germany. Applications to extend the permit's validity may be filed in Ghana.

7. The persons specified in paragraph 5 above do not require work permits to perform their activities at the Delegation.

8. The Delegation shall employ an appropriate number of staff to fulfil the purpose for which it was established. No more than two persons as specified in paragraphs 5 to 7 shall be seconded by the DIHK to fulfil the purpose for which the Delegation was established. Additional staff shall be employed locally.

9. The salaries, wages and similar earnings of the Delegation staff shall be subject to taxation in accordance with the relevant agreements between the Federal Republic of Germany and the Republic of Ghana for the avoidance of double taxation with respect to taxes on income and capital and in accordance with the applicable laws and regulations.

10. The Government of the Republic of Ghana shall grant persons working for the Delegation on behalf of DIHK for the purposes specified in paragraph 2 above and their family members (spouse / life partner and their minor, unmarried children) an exemption from customs duties and other charges levied upon the import and re-export of personal property brought into the territory of the host country within 12 months of their move there in accordance with the applicable law.

11. The contracting parties may agree to apply the provisions of this Agreement to any future Ghanaian-German Chamber of Commerce in Ghana.

12. This Agreement shall be concluded for an indefinite period; it may be terminated at any time in writing through diplomatic channels, giving one year's notice.

13. This Agreement shall be without prejudice to any bilateral Agreements in force between the Republic of Ghana and the Federal Republic of Germany.

14. This Agreement shall be concluded in the German and English languages, both texts being equally authentic.

If the Government of the Republic of Ghana agrees to the proposals of the Government of the Federal Republic of Germany contained in paragraphs 1 to 14 above, this Note Verbale and the Note in reply thereto from the Ministry of Foreign Affairs and Regional Integration of the Republic of Ghana expressing the agreement of the Government of the Republic of Ghana shall constitute an Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Ghana, which shall enter into force on the date of the Note in reply.

The Embassy of the Federal Republic of Germany avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Regional Integration of the Republic of Ghana the assurance of its highest consideration.

Accra, 29 December, 2009

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