

No. 49164

**Germany
and
Kenya**

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Kenya concerning the establishment of a Delegation of German Industry and Commerce in Nairobi. Nairobi, 12 July 2011

Entry into force: *12 July 2011 by signature, in accordance with article 11*

Authentic texts: *English and German*

Registration with the Secretariat of the United Nations: *Germany, 1 December 2011*

**Allemagne
et
Kenya**

Accord entre le Gouvernement de la République fédérale d'Allemagne et le Gouvernement de la République du Kenya relatif à l'établissement d'une délégation de l'industrie et du commerce allemands à Nairobi. Nairobi, 12 juillet 2011

Entrée en vigueur : *12 juillet 2011 par signature, conformément à l'article 11*

Textes authentiques : *anglais et allemand*

Enregistrement auprès du Secrétariat des Nations Unies : *Allemagne, 1^{er} décembre 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement

between

the Government of the Federal Republic of Germany

and

the Government of the Republic of Kenya

concerning

the Establishment of a Delegation of German Industry and Commerce in Nairobi

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

Preamble

desiring 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 enterprises,

agree to the following:

§ 1 Establishment

With the aim of supporting economic cooperation between the two countries as stated above, the Government of the Federal Republic of Germany and the Government of the Republic of Kenya agree to establish a Delegation of German Industry and Commerce (hereinafter referred to as the “Delegation”) in Nairobi, in accordance with Kenyan law. The Delegation will 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 Mandate

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

investment in both directions. The Delegation shall pursue no profit-oriented objectives. It is however, entitled to charge fees for its services to recoup its costs.

§ 3 Registration

The Delegation will be registered with the Registrar of Companies at the State Law Office of the Republic of Kenya. The Delegation office shall be located in Nairobi.

§ 4 Finances

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

§ 5 Protocol Issues

Persons working for the Delegation on behalf of the DIHK for the purposes specified in § 2 above and their family members are not members of the diplomatic missions or consular posts of the Federal Republic of Germany in the Republic of Kenya. They do not enjoy the privileges and immunities granted to the staff of such missions and posts.

§ 6 Entry/Work Permits

The competent Kenyan authorities shall issue entry and re-entry permits to the principal and dependant passes for the dependants specified in § 5 above expeditiously within the scope of the applicable laws and regulations.

§ 7 Employment Level

The Delegation shall employ an appropriate number of staff to fulfil the purpose for which it was established subject to national laws on employment.

§ 8 Avoidance of Double Taxation

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 Kenya for the avoidance of double taxation with respect to taxes on income and capital and in accordance with the applicable laws and regulations.

§ 9 Custom Duty Exemption

The Government of the Republic of Kenya will grant persons working for the Delegation on behalf of DIHK for the purposes specified in § 2 above and their family members 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 a maximum of twelve months of their entry in accordance with the applicable laws.