

**No. 52105\***

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**Germany  
and  
Myanmar**

**Exchange of notes constituting an arrangement between the Government of the Federal Republic of Germany and the Government of the Republic of the Union of Myanmar concerning the establishment of a delegation of German industry and commerce in Yangon. Yangon, 6 December 2013, and Nay Pyi Taw, 11 April 2014**

**Entry into force:** *11 April 2014 by the exchange of the said notes, in accordance with their provisions*

**Authentic texts:** *English and German*

**Registration with the Secretariat of the United Nations:** *Germany, 21 August 2014*

*\*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

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**Allemagne  
et  
Myanmar**

**Échange de notes constituant un arrangement entre le Gouvernement de la République fédérale d'Allemagne et le Gouvernement de la République de l'Union du Myanmar concernant la création d'une délégation de l'industrie et du commerce allemand à Yangon. Yangon, 6 décembre 2013, et Naypyidaw, 11 avril 2014**

**Entrée en vigueur :** *11 avril 2014 par l'échange desdites notes, conformément à leurs dispositions*

**Textes authentiques :** *anglais et allemand*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Allemagne, 21 août 2014*

*\*Le numéro de volume RTNU n'a pas encore été établi pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

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Ref. (please quote in reply) : Wi 404.21 SB

No.: 305/2013

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Note Verbale

The Embassy of the Federal Republic of Germany presents its compliments to the Ministry of Foreign Affairs of the Republic of the Union of Myanmar and has the honour to communicate the following:

With reference to the Memorandum of Understanding between the Republic of the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI) and the Association of German Chambers of Commerce and Industry (DIHK – Deutscher Industrie- und Handelskammertag e.V.) of 2 May 2013 about the establishment of a Delegation of German Industry and Commerce in Yangon, the Federal Government would like to propose an exchange of Notes with the text mentioned below.

The Embassy would appreciate a confirmation that the competent Ministry for the registration of the Delegation of German Industry and Commerce is the Ministry of National Planning and Economic Development, as explained by H.E. Union Minister U Soe Thane during a discussion of the issue on November 13, 2013.

The Federal Government would appreciate if the exchange of Notes could take place during the visit of H.E. the President of the Federal Republic of Germany, on 10 February 2014 in Nay Pyi Taw.

Ministry of Foreign Affairs  
of the Republic of the  
Union of Myanmar  
-Protocol Department-



Nay Pyi Taw

Copies:

- Ministry of President's Office
- Ministry of National Planning and Development
- UMFCCI

“The Embassy of the Federal Republic of Germany presents its compliments to the Ministry of Foreign Affairs of the Republic of the Union of Myanmar and, in conformity with the good relations between the 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 Arrangement between the Government of the Federal Republic of Germany and the Government of the Republic of the Union of Myanmar concerning the establishment of a Delegation of German Industry and Commerce in Yangon 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 proposes to the Government of the Republic of the Union of Myanmar the establishment of a Delegation of German Industry and Commerce in Yangon (hereinafter referred to as “the Delegation”), in accordance with the law of Myanmar. The Government of the Republic of the Union of Myanmar has agreed to the proposal 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, organisations and tradespersons from the Republic of the Union of Myanmar and the Federal Republic of Germany. It shall lobby in the interests of businesses from both countries and promote commercial activity in both directions. The Delegation shall pursue no profit-oriented objectives. The Delegation shall be financed by allocations from the Federal Ministry of Economics, grants from the DIHK, donations and other revenue permitted by the laws applicable in Myanmar. It is entitled to charge fees for its services to recoup its costs.
3. The Delegation shall be registered with the competent agency of the Republic of the Union of Myanmar. The Delegation shall be located in Yangon. It may, in accordance with the law applicable in Myanmar, establish and maintain other branch offices in the territory of the Republic of the Union of Myanmar.
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 and the DIHK to the Delegation for the purpose of covering costs shall be exempt from direct taxes in the Republic of the Union of Myanmar. The Delegation is permitted to have bank accounts in the Republic of the Union of Myanmar 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 Delegation’s bank accounts in the Republic of the Union of Myanmar at the official exchange rate.
5. Persons working for the Delegation in coordination with or on behalf of the DIHK for the purposes specified in paragraph 2 above and their family members (spouse/registered partner and their children who are minors or are undergoing training) are not members of the diplomatic missions or consular posts of the Federal Republic of Germany in the Republic of the Union of Myanmar. They do not enjoy the privileges and immunities granted to the staff of such missions and posts.

6. The competent authorities of the Republic of the Union of Myanmar 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 diplomatic mission or career consular post of the Republic of the Union of Myanmar before leaving Germany. Applications to extend the permit's validity may be filed in Myanmar.
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 of the persons referred to in paragraphs 5 to 7 above shall be seconded by the DIHK to fulfil the purposes for which the Delegation was established. Further personnel shall be employed locally.
9. The salaries, wages and similar earnings of the persons referred to in paragraph 5 above who are seconded by or on behalf of the DIHK to fulfil the purposes for which the representation of the Chambers of Commerce Abroad was established shall be subject to taxation in accordance with the relevant applicable laws and regulations.
10. The Government of the Republic of the Union of Myanmar shall grant persons working for the Delegation on behalf of DIHK for the purposes specified in paragraph 2 above and their family members (spouse/registered partner and their children who are minors or are undergoing training) an exemption from customs duties and similar 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. This Arrangement shall be concluded for an indefinite period; it may be terminated at any time in writing through diplomatic channels, giving one year's notice.
12. This Arrangement shall be without prejudice to any bilateral Agreements in force between the Republic of the Union of Myanmar and the Federal Republic of Germany.
13. This Arrangement shall be concluded in the German and English languages, both texts being equally authentic.

If the Government of the Republic of the Union of Myanmar agrees to the proposals of the Government of the Federal Republic of Germany contained in paragraphs 1 to 13 above, this Note Verbale and the Note in reply thereto from the Ministry of Foreign Affairs of the Republic of the Union of Myanmar expressing the agreement of the Government of the Republic of the Union of Myanmar shall constitute an Arrangement between the Government of the Federal Republic of Germany and the Government of the Republic of the Union of Myanmar, 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 of the Republic of the Union of Myanmar the assurance of its high consideration."