

Effectuated by Exchange of Notes at Seoul August 29, 1975

Entered into force August 29, 1975

**Exchange of Notes concerning Loan between the Government of the Republic of Korea
and the Government of Japan for the Development of Pukpyong Port and the Promotion
of Agricultural Production**

The Ambassador of Japan to the Acting Minister of Foreign Affairs

Seoul, August 29, 1975

Excellency,

I have the honour to confirm the following understanding recently reached between the representatives of the Government of Japan and of the Government of the Republic of Korea concerning Japanese assistance to be extended to the Republic of Korea with a view to promoting the welfare of the people and the economic development efforts, of the Republic of Korea.

I

1. A loan in Japanese Yen up to the amount of twelve billion four hundred and twenty million yen (¥12,420,000,000) will be extended to the Government of the Republic of Korea by the Overseas Economic Cooperation Fund (hereinafter referred to as "the Fund") for the implementation of Pukpyong Port Development Project (hereinafter referred to as "the Project") in accordance with the relevant laws and regulations of Japan.

2. (1) The loan mentioned in paragraph 1 above will be made available by a loan agreement to be concluded between the Government of the Republic of Korea and the Fund. The terms and conditions of the loan as well as the procedures for its utilization will be governed by the said loan agreement which will contain, inter alia, the following principles:

(a) The repayment period will be thirteen (13) years after the grace period of seven (7) years.

(b) The rate of interest will be three and a half (3.5) per cent per annum.

(c) The closing date for disbursements of the loan will be June 30, 1979.

(2) The loan agreement mentioned in sub-paragraph (1) above will be concluded after the Fund is satisfied of the feasibility of the Project.

(3) The closing date for disbursements mentioned in sub-paragraph (1) (c) above ay

be extended with the consent of the authorities concerned of the two Governments.

3. The loan mentioned in paragraph 1 above will be made available to cover payments to be made by Korean executing agencies to suppliers, contractors and/or consultants of eligible source countries under such contracts as may be entered into between them for purchases of products and/or services required for the implementation of the Project, provided that such purchases are made in such eligible source countries for products produced in and/or services supplied from those countries.

II

1. A loan in Japanese Yen up to the amount of eleven billion yen (¥ 11,000,000,000) will be extended to the Government of the Republic of Korea by the Export-Import Bank of Japan (hereinafter referred to as "the Bank") for the promotion of food and other agricultural production in accordance with the relevant laws and regulations of Japan.

2. (1) The loan mentioned in paragraph 1 above will be made available by a loan agreement to be concluded between the Government of the Republic of Korea and the Bank. The terms and conditions of the loan as well as the procedures for its utilization will be governed by the said loan agreement which will contain, inter alia, the following principles

(a) The repayment period will be ten (10) years after the grace period of five (5) years.

(b) The rate of interest will be five and three quarters (5.75) per cent per annum.

(c) The closing date for disbursements of the loan will be December 31, 1976.

(2) The closing date for disbursements mentioned in sub-paragraph (1)(c) above may be extended with the consent of the authorities concerned of the two Governments.

3. (1) The loan mentioned in paragraph 1 above will be made available to cover payments to be made to suppliers of eligible source countries by Korean importers under such contracts as have been or may be entered into between them for purchases of such products as are enumerated in a list to be mutually agreed upon between the authorities concerned of the two Governments and for purchases of services incidental to those purchases, provided that such purchases are made in such eligible source countries for products produced in those countries.

(2) The list mentioned in sub-paragraph (1) above will be subject to modifications which may be agreed upon between the authorities concerned of the two

Governments.

4. The Government of the Republic of Korea will deposit the equivalent in Korean currency of the amount of yen disbursement of the loan mentioned in paragraph 1 above in the Foreign Loan Fund Management Special Account held by the Ministry of Finance of the Republic of Korea. The amount of Korean currency thus deposited shall be utilized by the Government of the Republic of Korea for the implementation of irrigation projects to be separately agreed upon between the authorities concerned of the two Governments.

III

1. The Government of the Republic of Korea will ensure that products and/or services mentioned in paragraph 3 of part I and in paragraph 3(1) of part II are procured in accordance with the guidelines for procurement of either the Fund or the Bank as the case may be which set forth, inter alia, the procedures of international tendering to be followed except where such procedures are inapplicable or inappropriate.

2. The scope of eligible source countries mentioned in paragraph 3 of part I and in paragraph 3(1) of part II above will be agreed upon between the authorities concerned of the two Governments.

3. With regard to the shipping and marine insurance of products purchased under the loans mentioned in parts I and II above (hereinafter collectively referred to as 'the Loans'), the Government of the Republic of Korea shall refrain from imposing any restrictions that may hinder fair and free competition between the shipping and marine insurance companies of the two countries.

4. Japanese nationals whose services may be required in the Republic of Korea in connection with the supply of products and/or services under the Loans shall be accorded such facilities as may be necessary for their entry into the Republic of Korea and stay therein for the performance of their work.

5. The Government of the Republic of Korea shall exempt the Fund and the Bank from any fiscal levy or tax imposed in the Republic of Korea on and/or in connection with the Loans and interest accruing therefrom.

6. The two Governments will hold joint review the progress of the implementation of the Loans from time to time and take measures, whenever necessary, to ensure smooth and effective utilization of the Loans.

7. The two Governments will consult with each other with respect to any matter that

may arise from or in connection with this understanding.

I should be grateful if Your Excellency would confirm the foregoing understanding on behalf of the Government of the Republic of Korea.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Akira Nishiyama
Ambassador of Japan

The acting Minister of Foreign Affairs to the Ambassador of Japan

Seoul, August 29, 1975

Excellency,

I have the honour to acknowledge the receipt of Your Excellency 's Note of today 's date, which reads as follows:

“(Japanese Note)”

I have further the honour to confirm on behalf of the Government of the Republic of Korea the understanding set forth in Your Excellency 's Note.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Shinyong Lho
(Acting Minister of
Foreign Affairs)