

**AGREEMENT
BETWEEN
THE FEDERAL MINISTER OF
ECONOMICS AND LABOUR
OF THE REPUBLIC OF AUSTRIA
AND
THE MINISTER OF HEALTH AND FAMILY WELFARE
OF THE REPUBLIC OF INDIA
OF INFRASTRUCTURE COOPERATION
IN THE HEALTH SECTOR**

The Federal Minister of Economics and Labour of the Republic of Austria and the Minister of Health and Family Welfare of the Republic of India, in the following referred to as “parties to the Agreement”,

- desirous to promote and to deepen long-term infrastructure cooperation to the mutual benefit by drawing on the opportunities offered in the health sector,
- recognizing the ambitious expansion, modernization and privatization programme of health related facilities in the Republic of India as a wide field for infrastructure cooperation in the health sector between the Republic of India and of the Republic of Austria,
- confirming the privileged character of infrastructure cooperation in the health sector within a comprehensive Austrian-Indian cooperation in implementation of the Agreement between the Austrian Federal Government and the Government of the Republic of India concerning bilateral Economic Relations and Economic, Industrial, Technical and Technological Cooperation, signed on 12 February 1999 in New Delhi,

have agreed as follows:

Article – 1

- (1) The Austrian-Indian infrastructure cooperation in the health sector takes place in implementation of the Agreement between the Federal Government of the Republic of Austria and the Government of the Republic of India. One of its main objectives is the upgrading and expansion of health related facilities in the Republic of India. It refers to:
1. the modernization and extension of the capacity of the existing facilities of the Indian health sector;
 2. the regional and supra-regional extension of health sector facilities in the Republic of India;
 3. the continued qualitative improvement of Indian health sector facilities.
- (2) The projects referring to this infrastructure cooperation will be unanimously agreed between the parties responsible for the project under Article 3 thereof on an annual basis and will be enclosed in an Annex to this Agreement.

Article – 2

The general forms and areas of infrastructure cooperation are, in particular, the following:

1. regional planning (development of health sector studies and hospital development plans and for selective services in the health sector on a regional and national level);
2. technical planning (architectural, engineering services and technical equipment of buildings, medical technology);
3. organizational planning (operational organization, electronic data processing, staff training, putting-into-operation, management), implementation and profitability studies;
4. project management, construction supervision;
5. maintenance of medico-technical devices;
6. extension, modification, renovation, modernization and turn-key erection of hospitals and other buildings and facilities for the health sector;
7. complete equipping of hospitals and other buildings and facilities for the health sector;
8. planning, supply, implementation and surveillance as well as maintenance of information technology in the health related sector;
9. waste and sewage management;
10. management and management assistance as well as assistance in institutional strengthening;

11. assistance in the development of health financing systems and the network for Health Insurance;
12. technical support by providing experts, specialists and highly qualified technicians;
13. training of relevant hospital staff within the framework of the projects pertaining this Agreement.

Article – 3

- (1) On the Indian side the Ministry of Health and Family Welfare shall be responsible for the implementation of the Austrian-Indian infrastructure cooperation in the health sector.
- (2) Within the framework of the Austrian-Indian infrastructure cooperation in the health sector, the Austrian side appoints AHC Austrian Health Care Systems & Engineering GmbH to be the coordinator of the projects consensually laid down according to Article 1 para 2 hereof and joined as annex to the present Agreement. AHC acting as a project coordinator is open in this function to all interested Austrian Companies.
- (3) The officially appointed partner may transfer specific parts of its responsibility to other companies or groups of companies. This transfer shall not affect the full responsibility of the officially appointed partner.
- (4) The competent authority to deal with all questions related to the implementation of the present Agreement shall be the joint working group referred to in Article 5 para 3 thereof.

Article – 4

- (1) The parties to the present Agreement stipulate that any project to be realized in line with this Agreement is subject to a separate contract.
- (2) In view of the conclusion of contracts provided for the above paragraph, the proposals and offers submitted by the Austrian parties responsible for the project will be assessed as to their competitiveness against the terms and provisions prevailing on the international market, in particular as to the price, the terms of payment, the terms of execution and delivery, the depth of execution and the scope and quality of supplies and services.

Article – 5

- (1) The parties to this Agreement are determined to ensure, within the scope of their legal abilities, the due implementation of the infrastructure cooperation program in the health sector.
- (2) To this end they will, within the scope of their legal abilities, take any required measures in order to facilitate the due implementation of the contracts referred to in Article 4 para 1 hereof.
- (3) The parties to this Agreement agree to establish a joint working group, meeting annually or upon justified request of one of the parties to this Agreement alternately in the Republic of Austria and the Republic of India. This joint working group consists of the Ministry of Health and Family Welfare as the responsible party for the implementation of the Austrian-Indian infrastructural cooperation in the health sector on the Indian side referred to in Article 3 para 1 hereof and of the Federal Ministry of Economics and Labour as well as AHC Austrian Health Care Systems & Engineering GmbH acting as project coordinator on the Austrian side referred to in Article 3 para 2 hereof.

Article – 6

- (1) This agreement shall enter into force as of the first day of the third month after it has been signed.
- (2) This agreement is concluded for a period of five years and will be extended for another three years if it is not terminated by giving six months notice prior to its expiry date by one of the parties to the present Agreement in writing.

Effected in New Delhi on the 17th of February 2005, in two original copies in German, Hindi and English with each of the wordings being equally authentic. In case of any divergence in interpretation the English text shall prevail.

The Federal Minister of
Economics and Labour of the
Republic of Austria

Martin Bartenstein m.p.

The Minister of Health and
Family Welfare of the
Republic of India

Anbumani Ramadoss m.p.

