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EXCHANGE OF NOTES

between His Majesty's Government in the United Kingdom
and the Brazilian Government

regarding

COMMERCIAL RELATIONS

London, August 10, 1936

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

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EXCHANGE OF NOTES BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE BRAZILIAN GOVERNMENT REGARDING COMMERCIAL RELATIONS.

London, August 10, 1936.

No. 1.

M. Raul Régis de Oliveira to Mr. Anthony Eden.

Senhor Secretario de Estado, *Londres, 10 de Agosto de 1936.*

TENHO a honra de informar Vossa Excellencia que o Governo Brasileiro desejando regular e desenvolver as relações commerciaes entre os Estados Unidos do Brasil e o Reino Unido da Gran-Bretanha e Irlanda do Norte, até á conclusão de um Tratado de Commercio e Navegação entre os dois paizes, está disposto, sob a condição de reciprocidade, a conceder aos productos naturaes ou manufacturados do Reino Unido importados no Brasil (quer para o consumo ou a reexportação, quer em transitio) o tratamento pelo menos tão favoravel, a todos os respeitos, quanto ao que fôr concedido aos productos naturaes ou manufacturados de qualquer outro paiz estrangeiro. Principalmente, esses productos não serão sujeitos, ao entrarem no territorio nacional ou posteriormente, a direitos ou encargos aduaneiros diferentes ou mais elevados, nem a prohibições ou restricções diferentes, nem a formalidades aduaneiras diferentes ou mais onerosas, nem a exigencias em materia de licenças diferentes ou mais onerosas, do que aquelles aos quaes forem sujeitos os productos similares de qualquer outro paiz. O mesmo tratamento será concedido no Brasil aos productos naturaes ou manufacturados de qualquer Colonia Britannica, Protectorado ou Territorio sobre o qual um mandato é exercido pelo Governo de Sua Majestade no Reino Unido, desde que em tal Colonia, Protectorado ou Territorio sob Mandato o tratamento concedido ás mercadorias brasileiras não seja menos favoravel do que o que se applicar ás mercadorias do paiz estrangeiro mais favorecido.

2. Os productos naturaes ou manufacturados do Brasil e dalli exportados para o Reino Unido, não serão sujeitos no territorio brasileiro a impostos de exportação diferentes ou mais elevados, nem a outros onus fiscaes diferentes ou mais elevados, nem a prohibições ou restricções diferentes, do que aquelles a que estiverem sujeitos os productos similares exportados para qualquer outro paiz estrangeiro.

3. Imposto interno algum será cobrado no Brasil, pela União, pelos Estados ou pelos Municipios, sobre os productos naturaes ou

manufacturados do Reino Unido, que seja differente ou mais elevado do que o que fôr cobrado em identicas circumstancias sobre as mercadorias similares de qualquer outra origem estrangeira.

4. A titulo de excepção do compromisso geral do Governo Brasileiro de conceder o tratamento da nação mais favorecida aos productos naturaes ou manufacturados do Reino Unido importados no Brasil, fica entendido que o Governo de Sua Majestade no Reino Unido não terá o direito de reclamar o beneficio de quaesquer vantagens actualmente concedidas pelo Brasil ou que venham a ser concedidas a paizes limitrophes, com o fim de facilitar o trafico de fronteiras, nem dos favores resultantes de uma União Aduaneira já existente ou que venha a ser concluida.

5. Sempre que forem estabelecidas limitações quantitativas da importação no Brasil de artigos que interessem o Reino Unido, será concedido um tratamento equitativo a taes artigos, productos naturaes ou manufacturados, do Reino Unido, levando-se em conta a proporção dos respectivos fornecimentos do Reino Unido relativamente ao total das importações dos mesmos artigos nos annos recentes. De futuro, o Governo Brasileiro entender-se-á com o Governo de Sua Majestade no Reino Unido antes de fixar quaesquer quotas de artigos importados do Reino Unido e tomará em consideração todas as circumstancias relevantes. O Governo Brasileiro reserva-se o direito de alterar a quantidade fixada para o Reino Unido caso este não preencha a respectiva quota, excepto se isso acontecer em consequencia de causas temporarias ou insuperaveis.

6. O Governo Brasileiro não discriminará contra o Governo de Sua Majestade no Reino Unido, nem contra pessoas (inclusive companhias) no Reino Unido, quer quanto á repartição ou á regulamentação do cambio, quer quanto á concessão de licenças de importação impostas com o fim de regular o cambio.

7. Se o Governo Brasileiro julgar necessario estabelecer prohibições ou restricções de importações no Brasil com o fim de proteger os animaes e as plantas (isto é: a protecção contra molestias, degeneração ou extincção, assim como as medidas contra a importação de sementes, de plantas ou de animaes nocivos) compromette-se a applicar taes prohibições ou restricções ás importações provenientes do Reino Unido da mesma maneira e tanto quanto forem applicadas ás importações provenientes de qualquer outro paiz onde prevaleçam as mesmas condições.

8. Muito apreciaria receber de Vossa Excellencia uma Nota informando-me se o Governo de Sua Majestade no Reino Unido está disposto a assumir reciprocamente o mesmo compromisso a respeito da materia acima tratada.

Tenho a honra, &c.

RÉGIS DE OLIVEIRA.

(Translation.)

Brazilian Embassy,

Sir,

London, August 10, 1936.

I have the honour to inform your Excellency that the Brazilian Government, being desirous to regulate and develop the commercial relations between the United States of Brazil and the United Kingdom of Great Britain and Northern Ireland, pending the conclusion of a Treaty of Commerce and Navigation between the two countries, are prepared, on condition of reciprocity, to accord to goods produced or manufactured in the United Kingdom and imported into Brazil (whether for consumption, re-export or transit) treatment at least as favourable, in all respects, as that accorded to goods produced or manufactured in any other foreign country. In particular, they shall not be subject on entry into the national territory, or subsequently, to other or higher Customs duties or charges, to other prohibitions or restrictions, to other or more onerous Customs formalities, or to other or more onerous licensing requirements, than those to which like goods, the produce of any other foreign country, are subject. Similar treatment will be accorded in Brazil to goods the produce or manufacture of any British colony, protectorate or territory in respect of which a mandate is exercised by His Majesty's Government in the United Kingdom, so long as in such colony, protectorate or mandated territory, Brazilian goods receive treatment not less favourable than that accorded to goods of the most favoured foreign country.

2. Goods produced or manufactured in Brazil and exported therefrom to the United Kingdom shall not be subjected in Brazilian territory to other or higher export duties, to other or higher fiscal burdens, or to other prohibitions or restrictions, than those applied to like goods exported to any other foreign country.

3. No internal duties shall be levied in Brazil for the benefit of the Union, States or municipalities on goods, the produce or manufacture of the United Kingdom, which are other or greater than the duties levied in similar circumstances on the like goods of any other foreign origin.

4. As an exception from the general undertaking given by the Brazilian Government to accord most-favoured-nation treatment to goods produced or manufactured in the United Kingdom and imported into Brazil, it is understood that His Majesty's Government in the United Kingdom shall not be entitled to claim the benefits of any advantages that are or may be accorded by Brazil to adjacent countries in order to facilitate frontier traffic, or to advantages granted in virtue of a customs union which has already been, or may hereafter be, concluded.

5. Whenever quantitative limitation is imposed on imports into Brazil on articles in which the United Kingdom is interested,

equitable treatment will be accorded to such articles, the produce or manufacture of the United Kingdom, taking into account the proportion of the respective supplies from the United Kingdom in relation to the total imports of such articles in recent years. In future cases the Brazilian Government will consult with His Majesty's Government in the United Kingdom before any allocation is made in respect of such articles imported from the United Kingdom, and will take all relevant circumstances into account. The Brazilian Government reserve the right to alter the quantity allocated to the United Kingdom in the event of the latter failing to fill her allotted quota for other than temporary or unavoidable causes.

6. The Brazilian Government will not discriminate against His Majesty's Government in the United Kingdom or against persons (including companies) in the United Kingdom either as regards the allocation or regulation of exchange or the grant of import licences imposed with the object of regulating exchange.

7. Should the Brazilian Government deem it necessary to impose prohibitions or restrictions upon imports into Brazil for the purpose of protecting animals and plants (that is to say, protection against disease, degeneration or extinction, as well as measures taken against the importation of harmful seeds, plants and animals), they undertake that such prohibitions or restrictions shall only be applied to imports from the United Kingdom in the same manner and to the same extent as they are applied to imports from any other country where similar conditions prevail.

8. I shall be glad if your Excellency will address to me a note stating whether His Majesty's Government in the United Kingdom are prepared to give a reciprocal undertaking covering the above-mentioned matters.

I have, &c.

RÉGIS DE OLIVEIRA.

No. 2.

Mr. Anthony Eden to M. Raul Régis de Oliveira.

Your Excellency,

Foreign Office, August 10, 1936.

IN reply to your Excellency's note of to-day's date relative to the desire of the Brazilian Government to regulate and develop the commercial relations between the United Kingdom and the United States of Brazil pending the conclusion of a Treaty of Commerce and Navigation between the two countries, I have the honour to inform you that His Majesty's Government in the United Kingdom are prepared on condition of reciprocity to accord to goods produced or manufactured in Brazil and imported into the United Kingdom (whether for consumption, re-export or transit) treatment at least as favourable in all respects as that accorded to goods produced or

manufactured in any other foreign country. In particular, they shall not be subject on importation, or subsequently, to other or higher Customs duties or charges, to other prohibitions or restrictions, to other or more onerous Customs formalities or licensing requirements than those to which like goods, the produce or manufacture of any other foreign country, are subject.

2. Goods produced or manufactured in the United Kingdom and exported therefrom to Brazil shall not be subjected in the United Kingdom to other or higher export duties or charges than those paid upon, or to other prohibitions or restrictions than those applied to, like goods exported to any other foreign country.

3. No internal duties shall be levied in the United Kingdom for the benefit of organs of central, provincial or local Government on goods the produce or manufacture of Brazil which are other or greater than the duties levied in similar circumstances on the like goods of any other foreign origin.

4. Nothing in the present Note shall entitle the Brazilian Government to claim the benefit of any treatment, preference or privilege which may at any time be granted in the United Kingdom exclusively to territories under the sovereignty of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, or under His Majesty's suzerainty, protection or mandate.

5. Whenever quantitative limitation is imposed on imports into the United Kingdom of articles in which Brazil is interested, equitable treatment will be accorded to such articles, the produce or manufacture of Brazil, taking into account the proportion of supplies from Brazil in relation to the total foreign imports of such articles in recent years. In future cases His Majesty's Government in the United Kingdom will consult with the Brazilian Government before any allocation is made in respect of such articles imported from Brazil, and will take all relevant circumstances into account. His Majesty's Government in the United Kingdom reserve the right to alter the quantity allocated to Brazil in the event of the latter failing to fill her allocated quota for other than temporary and unavoidable causes.

6. His Majesty's Government in the United Kingdom will not discriminate against the Government of Brazil or against persons (including companies) in Brazil either as regards the allocation and regulation of exchange or the grant of import licences imposed with the object of regulating exchange.

7. Should His Majesty's Government in the United Kingdom deem it necessary to impose prohibitions or restrictions upon imports into the United Kingdom for the purpose of protecting animals and plants (that is to say, protection against disease, degeneration or extinction, as well as measures taken against harmful seeds, plants

and animals), they undertake that such measures shall only be applied to imports from Brazil to the same extent and in the same manner as they are applied to imports from any other country where similar conditions prevail.

8. With reference to the undertaking in paragraph 1 of your Excellency's note whereby treatment similar to that to be accorded to goods produced or manufactured in the United Kingdom will be accorded in Brazil to goods the produce or manufacture of any British colony, protectorate or territory in respect of which a mandate is exercised by His Majesty's Government in the United Kingdom, so long as in such colony, protectorate or mandated territory, Brazilian goods receive treatment not less favourable than that accorded to the goods of the most favoured foreign country, I have the honour to inform you that the term "foreign country" is interpreted by His Majesty's Government in the United Kingdom in the following manner. The term "foreign country" does not include any territory under His Majesty's sovereignty, suzerainty, protection or mandate; nor, having regard to article 18 of the Mandate for Palestine, does it, in the case of Palestine, include any State a territory of which in 1914 was wholly included in Asiatic Turkey or Arabia, in so far as any special customs agreements between Palestine and any such State are concerned. I shall be glad if your Excellency will address to me a further note stating the agreement of the Brazilian Government with this interpretation.

9. I have the honour to suggest that the present note and your note under reply, together with your further note as requested in the preceding paragraph, shall be regarded as constituting an agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of Brazil which shall come into force immediately and shall continue in force until three months from the date of denunciation by either of the two Governments.

I have, &c.

(For the Secretary of State),

A. HOLMAN.

No. 3.

M. Raul Régis de Oliveira to Mr. Anthony Eden.

Senhor Secretario de Estado, *Londres, 10 de Agosto de 1936.*

EM resposta á Nota de Vossa Excellencia, desta data, sobre as relações commerciaes entre o Reino Unido da Gran-Bretanha e Irlanda do Norte e os Estados Unidos do Brasil, tenho a honra de informar Vossa Excellencia, com referencia ao paragrapho oitavo da mesma Nota, que o Governo Brasileiro acceta a interpretação, constante do dito paragrapho, da expressão "paiz estrangeiro."

2. Outrosim, tenho a honra de declarar a Vossa Excellencia que concordo em que a minha Nota anterior, desta data, e a resposta de Vossa Excellencia, juntamente com a presente Nota, sejam consideradas como constituindo um ajuste entre o Governo dos Estados Unidos do Brasil e o Governo do Reino Unido da Gran-Bretanha e Irlanda do Norte, o qual entrará em vigor immediatamente e continuará a vigorar até tres mezes após a data da denuncia por qualquer dos dois Governos.

Tenho a honra, &c.

RÉGIS DE OLIVEIRA.

(Translation.)

Brazilian Embassy,

London, August 10, 1936.

Sir,

In reply to your Excellency's note of to-day's date relative to the commercial relations between the United Kingdom of Great Britain and Northern Ireland and the United States of Brazil, I have the honour to inform your Excellency, with reference to paragraph 8 thereof, that the Brazilian Government are in agreement with the interpretation of the term "foreign country" therein set forth.

2. I have further the honour to state that I agree that my earlier note of to-day's date and your Excellency's reply thereto, together with the present note, shall be regarded as constituting an agreement between the Government of the United States of Brazil and the Government of the United Kingdom of Great Britain and Northern Ireland which shall come into force immediately and shall continue in force until the expiration of three months from the date of denunciation by either of the two Governments.

I have, &c.

RÉGIS DE OLIVEIRA.