



Treaty Series No. 4 (1991)

# Exchange of Notes

between

the Government of the United Kingdom of Great Britain and  
Northern Ireland  
and the Government of the Federative Republic of Brazil

concerning the Employment in Brazil and the  
United Kingdom of the Spouses of Diplomatic and  
Consular Personnel

Brasilia, 8 July 1987

[The Agreement entered into force on 8 July 1987]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
January 1991*

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**EXCHANGE OF NOTES  
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF  
GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF  
THE FEDERATIVE REPUBLIC OF BRAZIL CONCERNING THE EMPLOYMENT  
IN BRAZIL AND THE UNITED KINGDOM OF THE SPOUSES OF  
DIPLOMATIC AND CONSULAR PERSONNEL**

No. 1

*The Minister of State for External Relations of the Federative Republic of Brazil to  
Her Majesty's Ambassador at Brasilia*

*Ministry of External Relations  
Brasilia  
8 July 1987*

SGAd/DAI/DE-I/CJ/57

Senhor Embaixador,

Tenho a honra de propor a Vossa Excelência, em nome do Governo da República Federativa do Brasil, o seguinte Acordo relativo ao exercício de atividades remuneradas por parte de dependentes do pessoal diplomático e consular.

2. O Governo da República Federativa do Brasil e o Governo do Reino Unido da Grã-Bretanha e Irlanda do Norte concordam que, numa base de reciprocidade, os dependentes do pessoal diplomático e consular de um país designado para exercer missão oficial no outro país, como membro de uma Missão diplomática, Repartição consular ou Missão junto a Organismo Internacional, poderão receber autorização para exercer atividade remunerada no Estado receptor, respeitados os interesses nacionais. A autorização em apreço poderá ser negada nos casos em que:

- (a) o empregador for o Estado que recebe, inclusive através de suas autarquias, fundações, empresas públicas e sociedades de economia mista;
- (b) afetem a segurança nacional.

3. Para os fins deste Acordo, são considerados "dependentes":

- (a) cônjuge;
- (b) filhos solteiros menores de 21 anos;
- (c) filhos solteiros menores de 25 anos que estejam cursando universidades;
- (d) filhos solteiros com deficiências físicas ou mentais.

4. O exercício da atividade remunerada por dependente, no Estado receptor, dependerá de prévia autorização de trabalho do Governo local, através de pedido formalizado pela Embaixada junto ao Cerimonial do Ministério das Relações Exteriores. Após verificar se a pessoa em questão se enquadra nas categorias definidas no presente Acordo, e após observar os dispositivos internos aplicáveis, o Cerimonial informará oficialmente à Embaixada que pessoa tem permissão para exercer atividade remunerada, sujeita à legislação aplicável no Estado receptor.

5. Nos casos de profissões que requeiram qualificações especiais, o dependente não estará isento de preenchê-las.

6. Para os dependentes que exerçam atividade remunerada nos termos deste Acordo, fica suspensa, em caráter irrevogável, a imunidade de jurisdição civil e administrativa relativa a todas as questões decorrentes da referida atividade.

7. Os dependentes que exerçam atividade remunerada nos termos deste Acordo deixarão de estar isentos do cumprimento das obrigações tributárias e previdenciárias decorrentes da referida atividade, ficando, em consequência, sujeitos à legislação de referência aplicável às pessoas físicas residentes ou domiciliadas no Estado receptor.

8. O presente Acordo tem validade de seis anos, podendo ser renovado, por igual período, mediante prévio entendimento entre as Partes. As Partes Contratantes avaliarão, ao final de cada biênio, os benefícios dele decorrentes, inclusive do ponto de vista de seu equilíbrio e distribuição equitativa entre as Partes.

9. Caso o Governo do Reino Unido da Grã-Bretanha e Irlanda do Norte esteja de acordo com as propostas apresentadas, esta Nota e a Nota de resposta de Vossa Excelência em que se expresse a concordância de seu Governo constituirão um Acordo entre nossos dois Governos, a entrar em vigor na data da Nota de resposta, permanecendo vigente até 90 dias após a denúncia escrita por qualquer uma das Partes.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha mais alta consideração.

ROBERTO SODRÉ

Mr. Ambassador,

I have the honour to propose to your Excellency, in the name of the Government of the Federative Republic of Brazil, the following Agreement concerning the exercise of remunerated activities on the part of dependants of diplomatic and consular personnel.

2. The Government of the Federative Republic of Brazil and the Government of the United Kingdom of Great Britain and Northern Ireland agree that, on a basis of reciprocity, the dependants of the diplomatic and consular personnel of the one country appointed to carry out official duties as a member of a Diplomatic Mission, Consular Office or Mission to an International Organisation in the other country, may receive permission to exercise remunerated activity in the receiving State, provided that national interests are respected. The permission in question may be refused in cases in which:

- (a) the employer is the receiving State, including instances where the State would be acting as an employer through its quasi-independent organisations, foundations, public enterprises and mixed-economy organisations; or in which
- (b) national security might be affected.

3. For the purposes of this Agreement the following are considered as "dependants":

- (a) spouse;
- (b) unmarried children below the age of 21;
- (c) unmarried children below the age of 25 who are taking university courses;
- (d) unmarried children with physical or mental deficiencies.

4. A dependant who wishes to exercise remunerated activity in the receiving State will need prior authorisation from the local government. Such permission should be sought by means of a request made by the Embassy to the Ceremonial Division of the Ministry of External Relations. After establishing whether the person in question comes within the categories defined in the present Agreement, and after observing the applicable internal provisions, the Ceremonial Division will inform the Embassy officially that the person has permission to exercise remunerated activity, subject to the legislation applicable in the receiving State.

5. In the case of professions which require special qualifications, the dependant will not be exempt from the requirement to comply with these conditions.

6. Immunity from civil and administrative jurisdiction relating to all matters stemming from employment will be suspended irrevocably in respect of those dependants who exercise remunerated activity within the terms of this Agreement.

7. The dependants who exercise remunerated activity within the terms of this Agreement will cease to be exempt from tax and social security obligations stemming from the above mentioned activity. They will in consequence become subject to the relevant legislation which is applicable to physical persons resident or domiciled in the receiving State.

8. The present Agreement is valid for six years, and may be renewed for an equal period by means of a previous understanding between the Parties. The Contracting Parties will make an assessment at the end of each two year period of the advantages stemming from the Agreement. In so doing, they will take into account the balance of the Agreement and just distribution of advantages between the Parties.

9. If the foregoing proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, this Note and Your Excellency's Note in reply expressing the agreement of your Government will constitute an Agreement between our two Governments, to enter into force on the date of the Note of reply, remaining valid until 90 days after the written denunciation by either one of the Parties.

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

ROBERTO SODRÉ

*Her Majesty's Ambassador at Brasilia to the Minister of State for External Relations of the  
Federative Republic of Brazil*

*British Embassy  
Brasilia  
8 July 1987*

Your Excellency,

1. I have the honour to acknowledge receipt of Your Excellency's Note (SGAD/DAI/DE-1/CJ/57) of 8 July proposing that an Agreement should be concluded between the Government of the Federative Republic of Brazil and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the exercise of remunerated activities on the part of dependants of diplomatic and consular personnel. The terms of the Agreement are as follows:

2. "The Government of the Federative Republic of Brazil and the Government of the United Kingdom of Great Britain and Northern Ireland agree that, on a basis of reciprocity, the dependants of the diplomatic and consular personnel of the one country appointed to carry out official duties as a member of a Diplomatic Mission, Consular Office or Mission to an International Organisation in the other country, may receive permission to exercise remunerated activity in the Receiving State, provided that national interests are respected. The permission in question may be refused in cases in which:

- (a) the employer is the Receiving State, including instances where the State would be acting as an employer through its quasi-independent organisations, foundations, public enterprises and mixed-economy organisations; or in which
- (b) national security might be affected.

3. For the purposes of this Agreement the following are considered as "dependants"

- (a) spouse;
- (b) unmarried children below the age of 21;
- (c) unmarried children below the age of 25 who are taking university courses;
- (d) unmarried children with physical or mental deficiencies.

4. A dependant who wishes to exercise remunerated activity in the Receiving State will need prior authorisation from the local government. Such permission should be sought by means of a request made by the Embassy to the Ceremonial Division of the Ministry of External Relations. After establishing whether the person in question comes within the categories defined in the present Agreement and after observing the applicable internal provisions, the Ceremonial Division will inform the Embassy officially that the person has permission to exercise remunerated activity, subject to the legislation applicable in the Receiving State.

5. In the case of professions which require special qualifications, the dependant will not be exempt from the requirement to comply with these conditions.

6. Immunity from civil and administrative jurisdiction relating to matters stemming from employment will be suspended irrevocably in respect of those dependants who exercise remunerated activity within the terms of this Agreement.

7. The dependants who exercise remunerated activity within the terms of this Agreement will cease to be exempt from tax and social security obligations stemming from the above mentioned activity. They will in consequence become subject to the relevant legislation which is applicable to physical persons resident or domiciled in the Receiving State.

8. The present Agreement is valid for six years, and may be renewed for an equal period by means of a previous understanding between the Parties. The Contracting Parties will make an assessment at the end of each two year period of the advantages stemming from the Agreement. In so doing, they will take into account the balance of the Agreement and just distribution of advantages between the Parties."

9. In reply I am pleased to inform Your Excellency that the proposed terms of this Agreement as set out in Your Excellency's Note are acceptable to the Government of the United Kingdom, and that Your Excellency's Note, together with this present Note, constitute an Agreement which will enter into force immediately. This Agreement will remain valid until 90 days after any written denunciation by either one of the Parties.

I take this opportunity to renew to Your Excellency the assurances of my highest consideration.

JOHN URE



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