

N° 4510.

BRÉSIL ET DANEMARK

Echange de notes comportant un accord commercial provisoire. Rio de Janeiro, le 30 juillet 1936.

Textes officiels français et portugais communiqués par le délégué permanent du Danemark près la Société des Nations. L'enregistrement de cet échange de notes a eu lieu le 27 janvier 1939.

BRAZIL AND DENMARK

Exchange of Notes constituting a Provisional Commercial Agreement. Rio de Janeiro, July 30th, 1936.

French and Portuguese official texts communicated by the Permanent Delegate of Denmark to the League of Nations. The registration of this Exchange of Notes took place January 27th, 1939.

N^o 4510. — ÉCHANGE DE NOTES ¹
ENTRE LES GOUVERNEMENTS
BRÉSILIEEN ET DANOIS COM-
PORTANT UN ACCORD COM-
MERCIAL PROVISOIRE. RIO DE
JANEIRO, LE 30 JUILLET 1936.

N^o 4510. — TROCA DE NOTAS ¹
ENTRE OS GOVERNOS DO BRA-
SIL E DA DINAMARCA CONS-
TITUINDO UM ACCORDO COM-
MERCIAL PROVISORIO. RIO DE
JANEIRO, 30 DE JULHO DE 1936.

I.

LÉGATION ROYALE DE DANEMARK.

MONSIEUR LE MINISTRE,

RIO DE JANEIRO, le 30 juillet 1936.

J'ai l'honneur de porter à la connaissance de Votre Excellence que le Gouvernement danois ayant reconnu, ainsi que le Gouvernement brésilien, l'utilité de prolonger encore pour quelque temps les négociations en cours entre les deux pays pour aboutir à un nouvel accord commercial et désirant éviter une interruption des relations commerciales entre le Danemark et le Brésil le 31 juillet courant, concorde à ce que ces relations continuent à avoir pour base le régime actuel et soient réglées par un accord provisoire aux termes suivants :

Article premier.

Le Danemark et le Brésil s'accordent réciproquement le traitement douanier inconditionnel et illimité de la nation la plus favorisée.

Article II.

Chacune des deux Parties contractantes s'engage à ne pas changer le traitement réciproque de la nation la plus favorisée qu'elle accorde actuellement aux navires marchands de l'autre Partie contractante, sauf en ce qui concerne le cabotage. Ce traitement de la nation la plus favorisée doit s'appliquer également au paiement des importations.

Article III.

Si l'une des Parties contractantes vient à créer des taxes qui atteignent les produits de l'autre Partie jusqu'alors exempts du paiement de droits de douane, ou augmente les taxes déjà existantes, la Partie contractante qui se trouve atteinte par ce fait dans ses intérêts aura le droit de demander à l'autre Partie contractante d'initier des négociations afin de corriger les effets défavorables des mesures en question.

Article IV.

Si l'une des deux Parties contractantes possède ou vient à créer dans l'avenir des quotes-parts, contingents ou restrictions au sujet des paiements ou tout autre système direct ou indirect de limitation d'importation des produits de l'autre Partie contractante, celle qui se considère comme atteinte matériellement dans ses intérêts par la façon dont ces mesures sont ou seront employées, aura le droit de demander à l'autre Partie contractante d'initier des négociations afin de corriger les effets défavorables des mesures en question.

Article V.

Sont exceptées, toutefois, des engagements ci-dessus formulés les faveurs actuellement accordées ou qui pourraient être accordées ultérieurement à l'Islande, à la Norvège ou à la Suède

¹ Entré en vigueur le 1^{er} août 1936.

¹ Came into force August 1st, 1936.

ou à ces trois pays et celles qui ont pour but de faciliter le trafic frontière, ainsi que celles résultant d'une union douanière déjà conclue ou qui pourrait être conclue à l'avenir par l'une des Parties contractantes.

Article VI.

Les stipulations du présent accord ne s'appliquent pas au Groenland, où le commerce et la navigation sont réservés à l'Etat danois. Toutefois, le traitement de la nation la plus favorisée s'appliquera aux produits originaires et en provenance du Groenland à leur importation au Brésil, ainsi qu'aux produits originaires et en provenance du Brésil à leur importation au Groenland.

Article VII.

Le présent accord provisoire restera en vigueur jusqu'à la conclusion de l'accord commercial en négociation. Toutefois il pourra être dénoncé par chacune des deux Parties contractantes moyennant un préavis de trente jours.

Je saisis cette occasion, Monsieur le Ministre, pour renouveler à Votre Excellence les assurances de ma plus haute considération.

(Signé) O. SEHESTED.

Son Excellence

Monsieur le Docteur José Carlos de Macedo Soares,
Ministre des Affaires étrangères, Rio de Janeiro.

Pour copie conforme :

Copenhague, le 14 décembre 1938.

Axel Heils,

Chef des Archives

au Ministère des Affaires étrangères.

II.

TEXTE PORTUGAIS. — PORTUGUESE TEXT.

MINISTERIO DAS RELAÇÕES EXTERIORES.

RIO DE JANEIRO, em 30 de Julho de 1936.

SENHOR MINISTRO,

Tenho a honra de levar ao conhecimento de Vossa Excelência que o Governo brasileiro tendo reconhecido, assim como o Governo dinamarquez a conveniencia de prolongar ainda por algum tempo as actuaes negociações entre os dois paizes para concluir um novo Accordo Commercial, e desejando evitar uma solução de continuidade nas relações commerciaes entre o Brasil e a Dinamarca em 31 de Julho corrente, concorda em que essas relações continuem a ter por base o regimen actual, e sejam reguladas por um Accordo Provisorio nos termos seguintes :

¹ TRADUCTION. — TRANSLATION.

MINISTÈRE DES AFFAIRES ÉTRANGÈRES.

RIO DE JANEIRO, le 30 juillet 1936.

MONSIEUR LE MINISTRE,

J'ai l'honneur de porter à la connaissance de Votre Excellence que le Gouvernement brésilien ayant reconnu, ainsi que le Gouvernement danois, l'utilité de prolonger encore pour quelque temps les négociations en cours entre les deux pays pour aboutir à un nouvel accord commercial et désirant éviter une interruption des relations commerciales entre le Brésil et le Danemark le 31 juillet courant, concorde à ce que ces relations continuent à avoir pour base le régime actuel et soient réglées par un accord provisoire aux termes suivants :

¹ Translation of the Danish Government.

¹ Traduction du Gouvernement danois.

TRADUCTION. — TRANSLATION.

No. 4510. — EXCHANGE OF NOTES BETWEEN THE BRAZILIAN AND DANISH GOVERNMENTS CONSTITUTING A PROVISIONAL COMMERCIAL AGREEMENT. RIO DE JANEIRO, JULY 30TH, 1936.

I.

ROYAL LEGATION OF DENMARK.

YOUR EXCELLENCY,

RIO DE JANEIRO, *July 30th, 1936.*

I have the honour to inform Your Excellency that the Danish Government having, like the Brazilian Government, recognised the desirability of continuing for some time longer the present negotiations between the two countries with a view to a new Commercial Agreement, and desiring to avoid any interruption of the commercial relations between Denmark and Brazil on July 31st next, agrees that these relations shall continue to be based on the present régime and shall be regulated by a Provisional Agreement in the following terms :

Article I.

Denmark and Brazil shall grant each other unconditional and unrestricted most-favoured-nation treatment in matters connected with Customs.

Article II.

Each of the two Contracting Parties undertakes to make no change in the reciprocal most-favoured-nation treatment which it at present grants to merchant shipping of the other Contracting Party, except in matters connected with the coasting trade. This most-favoured-nation treatment shall also apply to payment for imports.

Article III.

Should either of the Contracting Parties impose duties on the products of the other Party which have hitherto been exempt from payment of Customs duties or increase existing duties, the Contracting Party whose interests are thereby affected shall have the right to request the other Contracting Party to set on foot negotiations with a view to remedying the unfavourable effects of the measures in question.

Article IV.

Should either of the Contracting Parties impose or hereafter establish quotas or restrictions in respect of payments, or any other system of direct or indirect limitation of imports of the products of the other Contracting Party, the Party which considers its interests to be materially affected by the manner in which these measures are or may hereafter be applied shall have the right to request the other Contracting Party to set on foot negotiations with a view to remedying the unfavourable effects of the measures in question.

Article V.

Privileges which are at present or may hereafter be granted to Iceland, Norway or Sweden, or to all three countries, and those intended to facilitate frontier traffic and, further, those resulting from a Customs Union which has already been or may hereafter be concluded by either of the Contracting Parties shall, however, be excluded from the undertakings set forth above.

Article VI.

The provisions of the present Agreement shall not apply to Greenland, where commerce and navigation are reserved for the Danish State. Nevertheless, most-favoured-nation treatment shall apply to products originating in and coming from Greenland when imported into Brazil and to products originating in and coming from Brazil when imported into Greenland.

Article VII.

The present Provisional Agreement shall remain in force until the Commercial Agreement under negotiation is concluded. It may, however, be denounced by either of the Contracting Parties with thirty days' notice.

I have the honour to be, etc.

(Signed) O. SEHESTED.

His Excellency Doctor José Carlos de Macedo Soares,
Minister for Foreign Affairs, Rio de Janeiro.

II.

MINISTRY OF FOREIGN AFFAIRS.

YOUR EXCELLENCY,

RIO DE JANEIRO, *July 30th, 1936.*

I have the honour to inform Your Excellency that the Brazilian Government having, like the Danish Government, recognised the desirability of continuing for some time longer the present negotiations between the two countries with a view to a new Commercial Agreement, and desiring to avoid any interruption of the commercial relations between Brazil and Denmark on July 31st next, agrees that these relations shall continue to be based on the present régime and shall be regulated by a Provisional Agreement in the following terms :

Article 1.

Brazil and Denmark shall grant each other unconditional and unrestricted most-favoured-nation treatment in matters connected with Customs.

Article 2.

Each of the two Contracting Parties undertakes to make no change in the reciprocal most-favoured-nation treatment which it at present grants to merchant shipping of the other Contracting Party, except in matters connected with the coasting trade. This most-favoured-nation treatment shall also apply to payment for imports.

Article 3.

Should either of the Contracting Parties impose duties on the products of the other Party which have hitherto been exempt from payment of Customs duties or increase existing duties, the Contracting Party whose interests are thereby affected shall have the right to request the other Contracting Party to set on foot negotiations with a view to remedying the unfavourable effects of the measures in question.

Article 4.

Should either of the Contracting Parties impose or hereafter establish quotas or restrictions in respect of payments, or any other system of direct or indirect limitation of imports of the products of the other Contracting Party, the Party which considers its interests to be materially affected by

the manner in which these measures are or may hereafter be applied shall have the right to request the other Contracting Party to set on foot negotiations with a view to remedying the unfavourable effects of the measures in question.

Article 5.

Privileges which are at present or may hereafter be granted to Iceland, Norway or Sweden, or to all three countries, and those intended to facilitate frontier traffic and, further, those resulting from a Customs Union which has already been or may hereafter be concluded by either of the Contracting Parties shall, however, be excluded from the undertakings set forth above.

Article 6.

The provisions of the present Agreement shall not apply to Greenland, where commerce and navigation are reserved for the Danish State. Nevertheless, most-favoured-nation treatment shall apply to products originating in and coming from Greenland when imported into Brazil and to products originating in and coming from Brazil when imported into Greenland.

Article 7.

The present Provisional Agreement shall remain in force until the Commercial Agreement under negotiation is concluded. It may, however, be denounced by either of the Contracting Parties with thirty days' notice.

The Brazilian Government also begs to inform Your Excellency that the reservation "except for the coasting trade", explicitly made in Article 2 of the present Agreement, is always implicitly understood in all commercial agreements concluded by Brazil, where the coasting trade has always been and is still exclusively national.

I have the honour to be, etc.

(Signed) José Carlos DE MACEDO SOARES.

His Excellency Monsieur Ove Flemming de Sehested,
Envoy Extraordinary and Minister Plenipotentiary
of His Majesty the King of Denmark.