

N° 4075.

ÉTATS-UNIS DU BRÉSIL
ET URUGUAY

Traité de commerce et de navigation.
Signé à Rio de Janeiro, le 25
août 1933.

UNITED STATES OF BRAZIL
AND URUGUAY

Treaty of Commerce and Navigation.
Signed at Rio de Janeiro, August
25th, 1933.

TEXTE ESPAGNOL. — SPANISH TEXT.

Nº 4075. — TRATADO¹ DE COMERCIO Y NAVEGACIÓN ENTRE LA REPUBLICA DE LOS ESTADOS UNIDOS DEL BRASIL Y LA REPUBLICA ORIENTAL DEL URUGUAY. FIRMADO EN RIO DE JANEIRO, EL 25 DE AGOSTO DE 1933.

Spanish and Portuguese official texts communicated by the Brazilian Envoy Extraordinary and Minister Plenipotentiary at Berne. The registration of this Treaty took place March 13th, 1937.

LA REPÚBLICA DE LOS ESTADOS UNIDOS DEL BRASIL y LA REPÚBLICA ORIENTAL DEL URUGUAY en el propósito de estrechar cada vez más su antigua amistad, y de facilitar el desenvolvimiento de las relaciones de comercio y de buena vecindad entre los dos pueblos, resolvieron concluir y firmar un Tratado de Comercio y Navegación, de conformidad con las recomendaciones de la Conferencia reunida en la ciudad de Montevideo, del 15 de diciembre de 1931 al 2 de enero de 1932; y, para ese fin nombraron sus Plenipotenciarios, a saber:

SU EXCELENCIA EL SEÑOR JEFE DEL GOBIERNO PROVISORIO DE LA REPÚBLICA DE LOS ESTADOS UNIDOS DEL BRASIL:

al Señor Doctor Afranio DE MELLO FRANCO, Ministro de Relaciones Exteriores; y

SU EXCELENCIA EL SEÑOR PRESIDENTE DE LA REPÚBLICA ORIENTAL DEL URUGUAY:

al Señor Doctor Juan Carlos BLANCO, Embajador Extraordinario y Plenipotenciario en el Brasil;

los cuales, después de haber canjeado sus Plenos Poderes, hallados en buena y debida forma, convinieron en los artículos siguientes:

Artículo I.

Los nacionales de cada país contratante gozarán, en el territorio del otro en sus personas y en sus bienes muebles e inmuebles, o de cualquier otra especie, de la protección de los respectivos Gobiernos. Les serán concedidos, para su comercio e industria y para el ejercicio de sus negocios y profesiones los mismos derechos, ventajas y libertades ya concedidas o que se concedieren, en el futuro, a los nacionales de cada país, sujetándose a las leyes y reglamentos vigentes.

Artículo II.

A cualquier artículo producido, cultivado o manufacturado en la República de los Estados Unidos del Brasil e importado en la República Oriental del Uruguay ni a cualquier artículo producido, cultivado o manufacturado en la República Oriental del Uruguay e importado en la República de los Estados Unidos del Brasil, ya se destinen esas importaciones al consumo, ya se destinen al almacenaje, reexportación o tránsito, no les serán aplicados derechos diferentes o más elevados

¹ The exchange of ratifications took place at Montevideo, December 20th, 1933.

¹ TRANSLATION.

No. 4075. — TREATY OF COMMERCE AND NAVIGATION BETWEEN THE REPUBLIC OF THE UNITED STATES OF BRAZIL AND THE ORIENTAL REPUBLIC OF URUGUAY. SIGNED AT RIO DE JANEIRO, AUGUST 25TH, 1933.

THE REPUBLIC OF THE UNITED STATES OF BRAZIL and THE ORIENTAL REPUBLIC OF URUGUAY, being desirous of strengthening still further their friendship of long standing and promoting the development of commercial and neighbourly relations between the two countries, have resolved to conclude and sign a Treaty of Commerce and Navigation, in accordance with the recommendations of the Conference held in the City of Montevideo from December 15th, 1931, to January 2nd, 1932, and for this purpose they have appointed as their Plenipotentiaries :

HIS EXCELLENCY THE HEAD OF THE PROVISIONAL GOVERNMENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL :

Dr. Afranio DE MELLO FRANCO, Minister for Foreign Affairs; and

HIS EXCELLENCY THE PRESIDENT OF THE ORIENTAL REPUBLIC OF URUGUAY :

Dr. Juan Carlos BLANCO, Ambassador Extraordinary and Plenipotentiary in Brazil ;

Who, having communicated their full powers, found in good and due form, have agreed upon the following Articles :

Article I.

The nationals of each of the contracting countries shall enjoy, in the territory of the other, in regard to their persons and their movable and immovable or any other kind of property, the protection of the respective Governments. They shall be granted, for their trade and industry and the exercise of their business or profession, the same rights, advantages and privileges as have been or may hereafter be granted to the nationals of each country, provided they comply with the laws and regulations in force.

Article II.

Articles produced, grown or manufactured in the Republic of the United States of Brazil and imported into the Oriental Republic of Uruguay, and articles produced, grown or manufactured in the Oriental Republic of Uruguay and imported into the Republic of the United States of Brazil, whether such imports are intended for consumption or for storage, re-exportation or transit, shall not be subject to duties other or higher than those which are or may hereafter be paid on imports into either of the two contracting countries, for like purposes, of similar articles produced, grown or manufactured in any other country.

Similarly, articles exported from the territory of either of the contracting countries to the territory of the other shall not be subject to duties or charges other or higher than those which are or may hereafter be paid on the same articles exported to the territory of any other country.

¹ Translated by the Secretariat of the League of Nations, for information.

The exportation of any article whatsoever from the territory of Uruguay or Brazil to the territory of either of these countries shall in no case be prohibited unless this prohibition also applies to the exportation of the same article to the territory of any other country.

All advantages, favours, privileges and immunities which have been or may hereafter be accorded by either of the countries to natural products originating in or consigned to the territory of any other country shall be applied immediately and without compensation to products of the same nature originating in Brazil or Uruguay and consigned to the territory of either of those countries.

Article III.

In all matters relating to transit, storage, bounties, facilities, return of consignments, re-export and transit duties, Brazilian and Uruguayan nationals and goods shall be treated in the territory of either country on the same footing as the nationals and goods of any other more favoured nation.

Article IV.

The Oriental Republic of Uruguay shall grant to the Republic of the United States of Brazil, in its Customs warehouses authorised for this purpose, free storage for one year for goods declared to be in transit to or from Brazil and shall charge its minimum tariff for loading and unloading operations at the port of Montevideo; the General Directorate of Customs of Uruguay shall issue certificates for articles of Brazilian origin transhipped at the port of Montevideo or stored in Customs warehouses at Uruguayan ports for reshipment to Brazilian ports by vessels flying the flag of either of the contracting countries.

Article V.

Goods shipped from ports of the State of Mato Grosso and consigned via Montevideo to other Brazilian ports shall be declared as in transit at the Customs office of the port of shipment and included in the manifest of the vessels carrying them, the following particulars being given: number of bill of lading, marks and numbers of the packages, packing, description of goods, weight in kilogrammes, name of consignor, name of consignee or the words "to order". A copy of this part of the manifest shall be submitted by the exporter to the Customs office of the port of shipment to accompany the goods until they reach their destination, after it has been duly legalised and signed by the competent authorities. This document must also contain a statement to the effect that the transit operations have been verified by the General Directorate of Customs at the port of Montevideo. No charge shall be made for this verification, which shall in every case be effected by officials appointed by the General Directorate; the latter shall specify the result of this proceeding in writing and in detail.

Article VI.

Goods coming from ports in the State of Mato Grosso and entering the port of Montevideo, being warehoused there in transit for Brazilian seaports, shall also be treated in the manner provided for in the previous Article of the present Treaty. Such goods, when they are stored in the Customs warehouse at Montevideo, shall be regarded as *in safe-keeping* and the Customs office of that port must note the date of their entry and departure in the copy of the manifest accompanying the goods as far as their destination.

Article VII.

In the case of land transit, a waybill similar to the model annexed to the Customs Administrative Convention between Brazil and Uruguay shall be employed. A duplicate of this document shall accompany the goods to the Brazilian port of destination. The General Directorate of Customs

at Montevideo shall supervise the operation in the same manner as in the case of goods sent by river and shall state that it has done so in the document in question, which shall be submitted to the Brazilian Customs office at the port of destination.

Article VIII.

The coasting trade shall be reserved for each contracting country in accordance with its municipal law. Brazilian and Uruguayan vessels plying between Brazilian and Uruguayan ports shall enjoy, in the matter of Customs treatment and the use of ports, all the facilities and exemptions granted by the Republic of the United States of Brazil and the Oriental Republic of Uruguay to vessels flying their own flag.

Article IX.

For purposes of trade, the Republic of the United States of Brazil and the Oriental Republic of Uruguay shall regard as vessels flying the national flag those plying between the ports of either country, from the port of Rio de Janeiro inclusive as far as the ports of the State of Mato Grosso or *vice versa*, and also vessels trading between the Brazilian and Uruguayan ports on the Mirim Lagoon and the Rivers Jaguarão, São Miguel and Cebollati, and those which may hereafter ply between the ports of the two countries on the rivers and streams suited to this purpose.

Article X.

The Republic of the United States of Brazil and the Oriental Republic of Uruguay shall have the right to run locomotives and loaded or empty wagons from the territory of one country to that of the other through all the junctions of existing railway lines or lines established hereafter, in accordance with the legislation of each contracting country and the special agreement relating to mutual transit on the railway lines from Sant'Ana do Livramento to Rivera, concluded between Brazil and the Oriental Republic of Uruguay and signed at Rio de Janeiro on May 15th, 1913.

Article XI.

With a view to promoting the development of commercial exchanges between the contracting countries, a commission of experts shall meet at Montevideo or a city in the State of Rio Grande do Sul for the purpose of studying the possibility of establishing a railway union with special general and local tariffs.

Article XII.

The transit trade between the Republic of the United States of Brazil and the Oriental Republic of Uruguay shall be exempt in both countries from any consular fees. Although no charge will be made, consular intervention in operations relating to international trade and navigation shall continue, in accordance with the laws and regulations of each contracting country.

Article XIII.

The Customs Administrative Convention in force between the Republic of the United States of Brazil and the Oriental Republic of Uruguay shall be extended to the Quaraí-Bella Unión, Quaraí-Artigas and Rio Branco-Jaguarão frontiers.

Article XIV.

The following products originating in either of the two contracting countries shall be imported across their land frontiers and through their Customs offices authorised for this purpose and situated on the banks of the Mirim Lagoon and the Rivers Jaguarão, São Miguel, Cebollati and Quaraím free of all Customs duties in the Republic of the United States of Brazil and the Oriental Republic

of Uruguay : manioc flour, live sheep and horses, bulls and rams for breeding purposes (the latter through any port of the two countries), poultry, fodder, fresh green vegetables and legumes, eggs, butter, lard, cheese, cream, maize, flax, oats, barley, oil seeds and barks, leaves and plants for tanning purposes.

Article XV.

Annual quotas for each country of the following products originating in either of them shall be imported across their land frontiers and through their Customs offices authorised for this purpose and situated on the banks of the Mirim Lagoon and the Rivers Jaguarão, São Miguel, Cebollati and Quaraím free of all Customs duties in the Republic of the United States of Brazil and the Oriental Republic of Uruguay :

- (a) 10,000 (ten thousand) tons of wheat or their equivalent in wheat flour, at the rate of seventy (70) kilogrammes of flour to one hundred (100) kilogrammes of wheat, when the general legislation of the importing country authorises the importation of flour ;
- (b) 4,000 (four thousand) tons of potatoes ;
- (c) 8,000 (eight thousand) tons of sawn Brazilian pine in boards and planks ;
- (d) 200,000 (two hundred thousand) head of cattle for ploughing or wintering.

Article XVI.

The Government of the Republic of the United States of Brazil shall authorise the annual importation, duty free, of 2,000 (two thousand) tons of Uruguayan jerked beef, conveyed by vessels flying the Brazilian or Uruguayan flag to Brazilian ports, from Pernambuco inclusive northwards and also of 4,000 (four thousand) tons of mutton (sheep, lambs and wethers) conveyed by vessels of any nationality to any Brazilian port.

Article XVII.

The exporting country shall distribute the quotas referred to in Articles XV and XVI of the present Treaty among its producers in such manner as it may think fit.

Article XVIII.

The Government of the Oriental Republic of Uruguay shall authorise the importation, duty free, of salt coming from Brazilian ports, from Pernambuco inclusive northwards, for the jerked beef factories situated in its territory.

Article XIX.

The Government of the Oriental Republic of Uruguay shall waive the absence tax (*impuesto de ausentismo*) on immovable property situated in its territory belonging to Brazilian citizens who are not resident in Uruguay.

Article XX.

During the period of validity of the present Treaty, the list of products enumerated in Articles XIV, XV, XVI and XVIII may be revised each year on the initiative of either of the contracting Governments ; the changes which may be made therein shall not, however, affect the other provisions of the said Treaty.

Article XXI.

The origin of the goods shall be established by means of certificates which shall be issued by the authorities appointed for this purpose by the Governments of the Republic of the United States of Brazil and the Oriental Republic of Uruguay and visaed free of charge by the officials of the importing country.

Article XXII.

A commission of veterinary experts of the Republic of the United States of Brazil and the Oriental Republic of Uruguay shall meet for the purpose of studying the joint health measures to which animals coming from either of the contracting countries and imported into the other country are subject.

Single paragraph. Pending the meeting of the commission referred to in the present Article, the health provisions in force in each of the contracting countries shall be applied.

Article XXIII.

The provisions of clauses 1, 2, 3, 4, 5 and 6 of the Sanitary Convention for the Protection of Agriculture concluded at Montevideo on May 10th, 1913, shall be applied to agricultural products imported into the Republic of the United States of Brazil and the Oriental Republic of Uruguay.

Article XXIV.

A commission of experts of the Republic of the United States of Brazil and the Oriental Republic of Uruguay and, if possible, of the Argentine Republic shall meet for the purpose of studying the best method of promoting transit and regular commercial exchanges between the three countries and suppressing any smuggling.

Article XXV.

The Government of the Republic of the United States of Brazil and the Government of the Oriental Republic of Uruguay undertake to send each other two copies, duly certified, of all new codes, laws, decrees, ordinances, regulations and tariffs relating to commerce and navigation, as soon as possible after they are promulgated.

Article XXVI.

The present Treaty shall be ratified and the instruments of ratification shall be exchanged in the city of Montevideo as soon as possible.

It shall come into force on the date of the exchange of ratifications and shall remain in force for three years from that date.

On the expiry of that period, it shall be prolonged by tacit consent until either of the contracting Governments denounces it by giving six months' notice.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty in two copies, each in the Portuguese and Spanish languages, and have thereto affixed their seals.

Done at Rio de Janeiro, this twenty-fifth day of August, 1933.

(L. S.) Afranio DE MELLO FRANCO.

(L. S.) Juan Carlos BLANCO.