

No. 9257

**UNION OF SOVIET SOCIALIST REPUBLICS
and
BRAZIL**

Protocol concerning the reorganization of the Soviet Trade Mission in Brazil as the Trade Delegation of the Union of Soviet Socialist Republics in Brazil. Signed at Rio de Janeiro, on 20 April 1963

Official texts: Russian and Portuguese.

Registered by the Union of Soviet Socialist Republics on 25 September 1968.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
BRÉSIL**

Protocole relatif à la réorganisation en Mission commerciale permanente de la Délégation commerciale soviétique au Brésil. Signé à Rio de Janeiro, le 20 avril 1963

Textes officiels russe et portugais.

Enregistré par l'Union des Républiques socialistes soviétiques le 25 septembre 1968.

[TRANSLATION — TRADUCTION]

No. 9257. PROTOCOL¹ BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF BRAZIL CONCERNING THE REORGANIZATION OF THE SOVIET TRADE MISSION IN BRAZIL AS THE TRADE DELEGATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS IN BRAZIL. SIGNED AT RIO DE JANEIRO, ON 20 APRIL 1963

The Government of the Union of Soviet Socialist Republics and the Government of the United States of Brazil, noting the growth of trade between their two countries and desiring to promote the further development of this trade, have agreed as follows :

Article 1

The Soviet Trade Mission in Brazil shall become the Trade Delegation of the Union of Soviet Socialist Republics in Brazil, hereinafter referred to as the Trade Delegation.

The Trade Delegation shall form an integral part of the Embassy of the Union of Soviet Socialist Republics in Brazil.

The premises of the Trade Delegation in Rio de Janeiro shall enjoy the same immunities and privileges as those accorded to the premises of foreign diplomatic missions in Brazil.

The Trade Delegation may not move to other premises in Rio de Janeiro, or establish branches in other parts of the country, without the prior approval of the Brazilian Government.

The Trade Delegation may use a cipher.

The Trade Delegation shall not be subject to the laws and regulations governing commercial registration.

Article 2

The head of the Trade Delegation (the Trade Representative), his two deputies and other members of the Trade Delegation whose names are included in the diplomatic list shall enjoy the same immunities and privileges as those accorded under international law to officials of the USSR Embassy in Brazil.

¹ Came into force on 20 April 1963 by signature, in accordance with article 10.

The number of members of the Trade Delegation shall be determined by agreement between the two Governments.

Members of the Trade Delegation who are citizens of the USSR on assignment to the United States of Brazil shall be exempt from Brazilian taxation on the emoluments they receive from the Government of the USSR for performing the functions listed in article 3.

Article 3

The Trade Delegation shall perform the following functions :

- (a) Promote the development of trade between the USSR and Brazil;
- (b) Represent the interests of the USSR in Brazil in matters of trade between the two countries;
- (c) Carry on trade between the two countries on behalf of the Government of the USSR.

Article 4

The Trade Delegation shall act on behalf of the Government of the Union of Soviet Republics.

The Government of the USSR shall be responsible for all commercial contracts concluded or guaranteed in Brazil on behalf of the Trade Delegation and signed by two authorized persons.

The Trade Delegation shall inform the Government of Brazil of the names of the authorized persons referred to above, and of the extent to which each such person is empowered to sign commercial contracts of any kind on its behalf. The Government of Brazil shall publish in the *Diário Oficial* of the United States of Brazil the names of such persons, together with information on the extent of their powers. The powers of the above-mentioned persons shall be considered as remaining in effect until such time as notice of the termination of, or changes in, the said powers is published in the *Diário Oficial* in the same manner.

It shall be understood that any commercial contracts concluded without the Trade Delegation's guarantee by any Soviet organizations which under the laws of the USSR enjoy the status of independent legal persons shall be binding only on the organization in question and forcible execution in respect of such contracts may be levied only on the property of those organizations. Responsibility for such contracts shall not be borne by either the Government of the USSR or its Trade Delegation or by any Soviet organizations other than those which are parties to the contracts.

Article 5

The Trade Delegation shall enjoy the immunities and privileges deriving from the provisions of article 1, with the following exceptions :

1. Disputes regarding commercial contracts concluded or guaranteed in the territory of Brazil by the Trade Delegation in accordance with the provisions of the second paragraph of article 4 shall, in the absence of a reservation in the contract concerning the court of arbitration or unless otherwise specified in the terms of the contract or otherwise agreed between the interested parties, be subject to the competence of the Brazilian courts. No interim orders may, however, be made against the Trade Delegation.

2. In respect of judicial proceedings conducted by Brazilian courts in connexion with actions brought as a result of disputes of the kind described in the preceding paragraph, the Government of the USSR shall not invoke the immunities and privileges referred to in article 2 on behalf of the Trade Representative, his two deputies or other members of the Trade Delegation, and it undertakes to authorize the Trade Representative or, in his absence, one of the deputy Trade Representatives to represent his country for the purpose of enabling the Brazilian courts to conduct judicial proceedings in connexion with the actions brought before them in accordance with the provisions of the preceding paragraph.

Enforcement of judicial decisions relating to contracts to which the Trade Delegation is a party may be effected in respect of any of the State property of the Union of Soviet Socialist Republics in Brazil, and in particular the property, rights and interests arising out of contracts concluded or guaranteed by the Trade Delegation, but excluding the property of the organizations referred to in the fourth paragraph of article 4 which are not parties to contracts guaranteed by the Trade Delegation.

In accordance with international practice, no measures of forcible recovery may be taken against property or premises intended exclusively for the performance in Brazil of the functions of the USSR Embassy, Trade Delegation or Consulate, or against any moveable property or appurtenances on such premises.

Article 6

The establishment of the Trade Delegation in Brazil shall not in any way affect the rights of Brazilian physical or legal persons to maintain direct relations with Soviet foreign trade organizations with a view to concluding and executing commercial contracts.

Article 7

A Trade Development Section, hereinafter referred to as the Trade Section, shall be established as an integral part of the Embassy of the United States of Brazil in the USSR. Its functions shall be to promote the development of trade and to represent the interests of Brazil in matters of trade and economic relations between the two countries.

The premises of the Trade Section in Moscow shall enjoy the same immunities and privileges as those accorded to the premises of foreign diplomatic missions in the USSR.

The Trade Section may not move to other premises in Moscow, or establish branches on other parts of the country, without the prior approval of the Government of the USSR.

The Trade Section may use a cipher.

The number of members of the Trade Section shall be determined by agreement between the two Governments.

Members of the Trade Section who are citizens of Brazil on assignment to the USSR shall be exempt from Soviet taxation on the emoluments they receive from the Brazilian Government for performing the functions listed in the first paragraph of this article.

The head of the Trade Section, his two deputies and other members of the Trade Section whose names are included in the diplomatic list shall enjoy the same immunities and privileges as those accorded under international law to members of the Brazilian Embassy in the USSR.

Article 8

The Government of the USSR and the Government of Brazil undertake to provide every facility customarily granted to foreign diplomatic missions in order, in their respective territories, to assist the above-mentioned Trade Delegation and Trade Section in obtaining accommodation and performing their functions.

Article 9

The protocol concerning the establishment of a Soviet Trade Mission in Brazil and the establishment of a Brazilian Trade Mission in the Soviet Union, signed in Moscow on 27 May 1961, shall cease to have effect

Article 10

This protocol shall enter into force on the date of its signature and shall remain in force at least until the expiry of the Trade and Payments Agreement¹ signed this day between the Union of Soviet Socialist Republics and the United States of Brazil.

DONE at Rio de Janeiro, on 20 April 1963, in duplicate, in the Russian and Portuguese languages, both texts being equally authentic.

For the Government
of the Union of Soviet
Socialist Republics :

A. FOMIN
S. MKRTUMOV

For the Government
of the United States
of Brazil :

Hermes LIMA
SANTIAGO DANTAS

¹ See p. 235 of this volume.