

No. 9423

BRAZIL
and
FEDERAL REPUBLIC OF GERMANY

**Agreement concerning the customs privileges of career
consulates and their officials. Signed at Bonn on
30 November 1963**

Authentic texts : Portuguese and German.

Registered by Brazil on 22 February 1969.

BRÉSIL
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

**Accord sur les privilèges douaniers des consulats et de
leurs fonctionnaires. Signé à Bonn le 30 novembre 1963**

Textes authentiques : portugais et allemand.

Enregistré par le Brésil le 22 février 1969.

[TRANSLATION — TRADUCTION]

AGREEMENT ¹ BETWEEN THE UNITED STATES OF BRAZIL
AND THE FEDERAL REPUBLIC OF GERMANY CON-
CERNING CUSTOMS PRIVILEGES OF CAREER CONSU-
LATES AND THEIR OFFICIALS

The President of the Republic of the United States of Brazil and the President of the Federal Republic of Germany,

Having regard to the fact that career consular officers of the two countries merit treatment conforming to the general principles of international law and to generally accepted international practice,

Considering that the granting of customs privileges to career consulates of the two countries will be conducive to the better performance of their official duties,

Considering the mutual advantages of extending to career consular officers of the two countries the customs privileges normally granted to their diplomatic agents,

Considering that the granting of certain customs privileges to career chancellery officials of career consulates of the two countries is advantageous to the Contracting Parties,

Have decided to conclude an Agreement concerning Customs Privileges of Career Consulates and Their Officials and have for that purpose appointed as their Plenipotentiaries :

The President of the Republic of the United States of Brazil : His Excellency Mr. Egydio Michaelsen, Minister of State for Industry and Commerce, and

The President of the Federal Republic of Germany : His Excellency Dr. Gerhard Schröder, Federal Minister for Foreign Affairs,

who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article 1

Career consulates of the Contracting Parties shall enjoy exemption from customs duties and other customs charges, and from import licences or

¹ Came into force on 26 March 1966, i.e. thirty days after the exchange of the instruments of ratification, which took place at Rio de Janeiro, in accordance with article 14.

equivalent restrictions of an economic nature, in respect of the import of official emblems (flags, coats of arms, seals, etc.), official documents, printed matter, furniture, office equipment, household appliances and stationery for their exclusive use, and of motor vehicles for official use, in such number as the Ministry of Foreign Affairs shall deem adequate to the official needs of the consulate in question.

Article 2

Career consular officers (consuls-general, consuls, deputy consuls and vice-consuls) of the Contracting Parties who are nationals of the sending State and are not engaged in private occupation for gain in the receiving State shall enjoy exemption from customs duties and other customs charges, and from import licences or equivalent restrictions of an economic nature, in respect of their furniture and personal or household effects, including a motor vehicle for their personal use, such privileges to continue throughout their period of service.

Article 3

Career chancellery officials of career consulates of the Contracting Parties shall enjoy exemption from customs duties and other customs charges, and from import licences or equivalent restrictions of an economic nature, in respect of their furniture and personal or household effects, including a motor vehicle for their personal use, imported on the occasion of their first installation.

Article 4

Persons employed in the chancelleries of career consulates of the Contracting Parties as typists, filing clerks, cipher clerks and the like shall enjoy exemption from customs duties and other customs charges in respect of their used household effects forming part of their baggage, accompanied or unaccompanied, provided that they are nationals of the sending State and are not engaged in any other occupation.

Article 5

Nothing in this Agreement shall be interpreted as authorizing the entry into the territory of the Contracting Parties of articles the import of which is specifically prohibited by law or regulation.

Article 6

The treatment accorded in respect of the number, transfer of ownership and replacement of motor vehicles imported by career consulates of the Contracting Parties under article 1 of this Agreement shall be the same as is applicable in relation to their diplomatic missions.

Article 7

The treatment accorded in respect of the transfer of ownership of motor vehicles as specified in article 2 of this Agreement, and in respect of the import of new motor vehicles by career consular officers of the Contracting Parties, shall be the same as is applicable in relation to their diplomatic agents.

Article 8

Career chancellery officials of career consulates of the Contracting Parties may, after completion of their period of service, sell the motor vehicle imported under article 3, in Brazil upon application made through the diplomatic channel, and in the Federal Republic of Germany upon application made in accordance with the regulations in force.

Article 9

Career consulates of the Contracting Parties shall enjoy exemption from customs duties and other customs charges, and from import licences or equivalent restrictions of an economic nature, in respect of the import of fuel and lubricants for motor vehicles which are in official use or are the personal property of career consular officers or career chancellery officials, in quantities adequate to their actual needs.

Article 10

1. The customs exemptions provided for in this Agreement shall be granted, in Brazil upon application made through the diplomatic channel, and in the Federal Republic of Germany upon application made in accordance with the regulations in force.

2. The exemptions provided for in articles 3 and 4, other than those relating to accompanied baggage, must be requested within six months from the date of arrival of the beneficiary at his post, in Brazil by application made through the diplomatic channel, and in the Federal Republic of Germany by application made in accordance with the regulations in force.

Article 11

1. Property as specified in article 1 may be re-exported, from Brazil upon application made through the diplomatic channel, and from the Federal Republic of Germany upon application made in accordance with the regulations in force.

2. Property as specified in articles 2, 3 and 4 may be re-exported by the beneficiaries of the privileges referred to therein upon final departure from their posts, from Brazil by application made through the diplomatic channel, and from the Federal Republic of Germany by application made in accordance with the regulations in force.

Article 12

For the purposes of this Agreement, the term « nationals » means, in relation to Brazil, all Brazilians as defined by the Constitution of the United States of Brazil and, in relation to the Federal Republic of Germany, all Germans as defined by the Basic Law of the Federal Republic of Germany.

Article 13

This Agreement shall also apply to *Land* Berlin, provided that the Government of the Federal Republic of Germany has not delivered a contrary declaration to the Government of the United States of Brazil within three months from the date of entry into force of the Agreement.

Article 14

This Agreement shall enter into force thirty days after the exchange of the instruments of ratification, which shall take place in the city of Rio de Janeiro, and shall be valid until six months after the date of its denunciation by either of the Contracting Parties.

IN WITNESS WHEREOF the aforementioned Plenipotentiaries have signed this Agreement and have thereto affixed their seals, in two copies, both being equally authentic, in the Portuguese and German languages, in the city of Bonn, this thirtieth day of November in the year one thousand nine hundred and sixty-three.

For the Republic
of the United States of Brazil :

Egydio MICHAELSEN

For the Federal Republic
of Germany :

Gerhard SCHRÖDER