

**No. 11961**

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**BRAZIL  
and  
INDIA**

**Trade Agreement. Signed at New Delhi on 3 February 1968**

*Authentic texts : Portuguese and English.*

*Registered by Brazil on 26 September 1972.*

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**BRÉSIL  
et  
INDE**

**Accord commercial. Signé à New Delhi le 3 février 1968**

*Textes authentiques : portugais et anglais.*

*Enregistré par le Brésil le 26 septembre 1972.*

TRADE AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF  
THE REPUBLIC OF BRAZIL AND THE GOVERNMENT  
OF INDIA

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The Government of the Republic of Brazil and the Government of India,  
Desirous of expanding and strengthening trade relations between the two  
countries on the basis of equality and mutual interest,

Have decided to conclude a trade agreement and for this purpose have  
appointed as their plenipotentiaries :

Mr. José de Magalhães Pinto : Minister of External Relations;

The Government of the Republic of Brazil : Shri Dinesh Singh, Minister for  
Commerce, Government of India,

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

*Article I*

The Contracting Parties shall contribute by all means at their disposal to  
increase trade between both countries. For that purpose, and in accordance with  
their respective laws and regulations on foreign trade and exchange, the  
appropriate authorities of both countries shall grant the necessary administrative  
and exchange facilities to the commercial transactions regulated by the present  
Agreement, especially, when such is the case, in regard to the issuance of export  
and import licences and to the granting of authorizations for trade operations  
between persons physical or juridical of Brazil and of India.

*Article II*

The Contracting Parties shall grant each other, in all matters relating to  
trade, treatment no less favourable than that granted or which may be granted  
to any third country.

*Article III*

The treatment referred to in article II will be applied in all matters relating  
to customs duties and taxes, internal taxation and any other taxes on the

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<sup>1</sup> Came into force on 27 August 1969 by the exchange of the instruments of ratification, which  
took place at Rio de Janeiro, in accordance with article XII.

transformation, circulation and consumption of imported goods. It will also be applied to any restrictions and prohibitions, as well as to regulations and formalities relating to imports and exports.

#### *Article IV*

The provisions of articles II and III above shall not apply :

- a) to the advantages and facilities resulting from a customs union or a free trade area which any of the Contracting Parties has joined or may join;
- b) to the advantages and facilities that Brazil has granted or may grant in the future to the States that are Contracting Parties of the Montevideo Treaty, signed on February 18, 1960,<sup>1</sup> or those advantages and facilities that result from the provisions of that Treaty;
- c) to the advantages and facilities accorded by India to certain countries until the date of this Agreement;
- d) to the advantages and facilities that one of the Contracting Parties grants or may grant in the future to an adjoining country for the importation in its territory of agricultural and industrial commodities as well as for the exportation of agricultural and industrial products, originating in the territory of the Parties, in favor of those adjoining countries; and
- e) to the advantages and facilities that one of the Contracting Parties grants or may grant in the future by virtue of [a] multilateral economic agreement designed to liberalize conditions of international commerce.

#### *Article V*

The execution of commercial contracts made in accordance with the provisions of this Agreement shall not involve the responsibility of either Government or of other persons, physical or juridical, except when they are parties to such contracts.

#### *Article VI*

With due regard to Brazilian legislation; Indian citizens and juridical persons shall enjoy in respect of the protection of their persons and properties the same treatment as is accorded to the citizens and juridical persons of any other country, for the exercise of their commercial activities in the territory of the Republic of Brazil, either directly or through their appointed representatives, subject to the same conditions that such activities are allowed by Brazilian laws and regulations.

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<sup>1</sup> United Nations, *Official Records of the Economic and Social Council, Thirtieth Session, Supplement No. 4*, p. 32.

*Article VII*

With due regard to Indian legislation, Brazilian citizens and juridical persons shall enjoy in respect of all the protection of their persons and properties, the same treatment as is accorded to citizens and juridical persons of any other countries, for the exercise of their commercial activities in the territory of India, either directly or through their appointed representatives, subject to the same conditions that such activities are allowed by Indian laws and regulations.

*Article VIII*

The citizens and juridical persons of either Contracting Party, referred to in the preceding paragraphs, may have recourse to the tribunals of the other Contracting Party in the same manner as is allowed to citizens, firms and corporations of any third country.

*Article IX*

All goods exported by one of the Contracting Parties to the other, in accordance with the terms of this agreement, shall be destined for internal consumption or transformation in the territory of the importing country.

*Article X*

The goods imported by one of the Contracting Parties from the other, under the terms of this Agreement cannot be re-exported unless the other Party gives its express consent to each and every individual transaction and after due regard to the international commitments that any of the Contracting Parties has entered into.

*Article XI*

In the case of any authorized re-exportation, the re-exporting Contracting Party shall include in the sale contracts provisions forbidding any further re-exportation of the goods concerned. If this condition is not observed in the third country by the final buyer of the merchandise, the Contracting Party which re-exported the goods shall be entirely responsible to the other Contracting Party.

*Article XII*

This Agreement shall enter into force on the date of exchange of the instruments of ratification, which shall take place in the city of Rio de Janeiro.

*Article XIII*

This Agreement shall remain in force for a period of three years. In case neither Government has given to the other Government at least ninety (90) days notice of its intention to terminate the Agreement before the expiry of the aforesaid three year period, it shall continue in force for successive periods of one (1) year at a time. The Government of either Contracting Party may give to the other at least ninety (90) days before the expiration of one of the aforesaid periods, notice of intention to terminate the Agreement.

IN WITNESS WHEREOF the plenipotentiaries above mentioned have signed this Agreement and affixed thereto their respective seals.

DONE at New Delhi, this 3rd February of the year 1968, in two originals in the English and Portuguese languages, both texts being equally authentic.

On behalf of the Government  
of the Republic of Brazil :  
JOSÉ DE MAGALHÃES PINTO

On behalf of the Government  
of India :  
DINESH SINGH