

No. 11959

**BRAZIL
and
PORTUGAL**

Cultural Agreement. Signed at Lisbon on 7 September 1966

Authentic text : Portuguese.

Registered by Brazil on 26 September 1972.

**BRÉSIL
et
PORTUGAL**

Accord culturel. Signé à Lisbonne le 7 septembre 1966

Texte authentique : portugais.

Enregistré par le Brésil le 26 septembre 1972.

[TRANSLATION — TRADUCTION]

CULTURAL AGREEMENT¹ BETWEEN BRAZIL AND PORTUGAL

The Government of the United States of Brazil and the Portuguese Government,

Considering that the Agreement on Intellectual Co-operation between the two Governments, signed at Lisbon on 6 December 1948, no longer adequately reflects the increasing development of spiritual relations between the two countries,

Conscious of the community of traditions and the affinities on which the cultural life of their peoples is based,

Recognizing the positive advantages likely to accrue from closer relations between the two peoples in the fields of education, literature, science, the arts, technology and sports,

Desiring to promote the ever closer integration of the Portuguese-speaking peoples and to preserve and develop Luso-Brazilian culture,

Have decided to conclude a Cultural Agreement and for this purpose have appointed as their plenipotentiaries :

The President of the Republic of the United States of Brazil : Mr. Juracy Magalhães, Minister for Foreign Affairs,

The President of the Republic of Portugal : Mr. Alberto Franco Nogueira, Minister for Foreign Affairs,

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

Article I

Each Contracting Party undertakes to support the activities in its territory of institutions engaged in the study of, investigation of or research into and dissemination of the culture of the other Contracting Party and, to that end, to promote the exchange of personnel, information and materials.

Article II

Each Contracting Party shall endeavour to promote, in the territory of the other, knowledge of its cultural heritage by means of books, periodicals and other publications, lectures, concerts, exhibitions, cinematographic and

¹ Came into force on 20 April 1968, i.e. 30 days after the exchange of the instruments of ratification, in accordance with article XVIII. (The exchange took place at Rio de Janeiro on 21 March 1968.)

theatrical productions and similar artistic events, sports activities, radio and television programmes and other appropriate means.

2. The Contracting Party promoting the activities mentioned in the first paragraph shall defray the costs arising therefrom and the Party in whose territory the events take place shall provide all possible assistance and facilities.

3. All materials used in connexion with the aforesaid activities shall, for purposes of customs clearance, be exempt from duties and other port charges.

Article III

Each Contracting Party shall encourage the regular dispatch by public or private institutions, particularly scientific institutes, writers' and artists' associations and book publishers' associations and institutes, of their publications to the libraries referred to in article X, paragraph 2.

2. Each Contracting Party shall encourage the publication, joint publication and importation of literary, artistic, scientific and technical works by authors who are nationals of the other Contracting Party.

3. The Contracting Parties shall encourage contracts between bodies representing the book-publishing industry with a view to the conclusion of agreements for the translation of foreign works into Portuguese and their publication.

4. The Contracting Parties shall arrange, through their appropriate agencies, the co-ordinated distribution of reissues of classic works and issues of original works produced in their territories, in quantities sufficient to allow the dissemination of their respective cultures as a regular basis among interested persons and institutions of the other Party.

Article IV

Each Contracting Party shall encourage and foster the joint production of films under the terms of this Agreement, with a view to developing exchanges between the two countries in the field of cinematography.

2. Joint production shall be defined for the above purposes as the co-operative production of cinematographic films by organizations or enterprises of the two countries, with the collaboration of artists and technicians from both, in which the financial participation of each Contracting Party in each project undertaken shall be not less than 40 per cent.

3. Where a proposed project is, in view of the Mixed Commission referred to in article XVI, of exceptional cultural significance or it represents a very

considerable financial investment, the minority share may, with the prior express consent of the competent authorities of the two countries, be reduced to 30 per cent.

4. Films made under a joint cinematographic production project as defined in this article shall be regarded as nationally produced by the competent authorities of both countries and shall qualify for the benefits and advantages provided in the legislation of each Contracting Party in respect of nationally produced films.

5. Joint cinematographic production projects shall be submitted for approval to the competent authorities of each Contracting Party at least 90 days prior to the date on which filming is due to commence. Once a project has been approved, the same authorities shall supervise the implementation of the arrangements involved, examining and resolving difficulties arising in the application of the provisions of this Agreement regarding joint cinematographic productions and establishing rules of procedure to be observed by Luso-Brazilian joint producers.

Article V

Each Contracting Party shall safeguard in its territory rights to artistic, intellectual and scientific property originating from the other Party, in accordance with the international conventions to which it has acceded or may accede in the future.

2. Each Contracting Party shall also consider the most appropriate means of securing for authors of the other Party the same treatment as that accorded to its own authors with regard to the protection of their rights.

Article VI

The Contracting Parties shall encourage and promote co-operation between their respective universities, institutes of higher education, museums, libraries scientific and technical institutions and other cultural bodies.

Article VII

Each Contracting Party shall encourage and promote exchanges of teachers, artists, scientists, research workers, technicians and representatives of other cultural activities, with a view to promoting the organization of lectures, fellowships, courses, studies and research in the territory of the other Party.

2. The Contracting Parties shall also endeavour to provide all necessary

assistance to persons travelling on cultural missions from the other Contracting Party under the terms of the preceding paragraph.

3. Each Contracting Party shall endeavour to promote study trips to its territory by university personnel of the other Contracting Party who are duly accredited by the Ministry of Foreign Affairs of Brazil and the Ministry of Foreign Affairs of Portugal, and shall accord them every possible facility.

Article VIII

Each Contracting Party shall encourage the establishment at its universities of chairs in the history, literature and other aspects of the culture of the other Party.

2. The Contracting Parties shall endeavour to co-ordinate the activities of lecturers from Brazil and Portugal in other countries.

Article IX

The Contracting Parties, recognizing their joint interest in the task of promoting the dissemination of the Portuguese language and Luso-Brazilian culture, shall promote the establishment of joint centres for the international dissemination of the language and culture of both countries and shall encourage private activities directed to the same end.

Article X

Each Contracting Party shall encourage the establishment and maintenance in its territory of centres and institutions for the study and dissemination of the culture of the other Party.

2. The aforesaid centres and institutions shall include libraries, bibliographical and documentation centres, phonograph recording and film libraries and other facilities for the dissemination of the literary, artistic and scientific culture of the Party concerned, which shall be freely accessible to the public.

Article XI

Each Contracting Party shall promote the inclusion in its national curricula, at the various levels and in the various branches of education, of courses on the literature, history, geography and other aspects of the culture of the other Party.

2. Each Contracting Party shall take steps to ensure that its educational textbooks do not contain erroneous information concerning the life and cultural values of the other Party.

Article XII

Each Contracting Party shall award, annually, study fellowships to nationals of the other Party who are graduates of universities, members of the professions, technicians, scientists, research workers, artists, with a view to assisting them in improving their knowledge or carrying out study or research in the fields in which they specialize. The study fellowships shall be taken up in the territory and national institutions of the Contracting Parties.

Article XIII

Each Contracting Party shall recognize the equivalency of courses of instruction followed by nationals of either of the two countries at educational establishments of the other Party for the purpose of transfers to its own educational establishments at the same level or for admission to establishments at the next higher level.

2. Equivalency shall be established on the basis of appropriate and duly authenticated documentation, without taking into account differences in regulations concerning the duration of study cycles but ensuring that any discrepancy in respect of instruction and curricula will be remedied.

3. Where the equivalency of studies at a given level has been recognized, admission to the next higher level shall be granted under the conditions laid down by whichever country's legislation is more favourable to the individual concerned.

4. Students who move from one country to the other and wish to pursue their studies there shall be authorized, by way of exception, to register at a time other than that scheduled, so that they shall not be at a disadvantage because academic terms do not coincide.

5. Each Contracting Party shall, for the purposes of admission to its universities or independent institution of higher education, grant exemption from entrance examinations or tests to nationals of either of the Parties holding certificates or diplomas attesting to completion of secondary education and issued by an educational establishment of either of the Contracting Parties, on the basis of a high average of scholastic performance in accordance with whichever Contracting Party's legislation is more favourable. Applications for registration under these conditions shall be transmitted through the diplomatic channel and shall also be subject to the possession of a travel document with a

valid visa. In other cases, registration shall be effected on the basis of the appropriate entrance examinations held in a higher educational establishment of one of the Parties, provided that the applicant has satisfied the legal requirements for enrolment.

6. In the case of enrolment without an entrance examination under the provisions of the preceding paragraph, the student may obtain a transfer to an educational establishment in the country in which he completed his secondary studies only at the end of a period of two years, except in the case of a duly accredited holder of a fellowship or, by way of exception, a student who, because of his special qualifications, is treated by the Government concerned as having similar status.

7. In order to ensure that the principles on which this article is based are applied in the two countries in an identical manner, the decisions taken by each shall immediately be brought to the attention of the Commission established pursuant to article XVI, so that the latter may consider and promote such uniform application.

Article XIV

Each Contracting Party shall, for the purposes of the exercise of professions in its territory, recognize professional diplomas and degrees duly awarded by educational institutions of the other Party and duly authenticated and issued to nationals of either Party and, in cases where there is no equivalent, or a different, course of instruction, shall arrange the necessary correlation with the nearest equivalent course.

Article XV

Each Contracting Party shall recognize the validity, for the purposes of enrolment in refresher courses and courses of specialized training, of professional diplomas and degrees duly awarded by equivalent educational institutions of the other Party, provided that the documents in question are duly authenticated and that the holders are nationals of one of the Parties.

Article XVI

In order to supervise the implementation of this Agreement, a Mixed Commission composed of three representatives of each Contracting Party shall be established and shall meet alternately as necessary in the capitals of the two countries.

2. The aforesaid Commission shall include a representative of the Ministry of Foreign Affairs and the Ministry of Education and Culture of Brazil and the Ministry of Foreign Affairs and the Ministry of National Education of Portugal. The Commission shall be presided over by a representative of the country in which the meeting is held and may include such specialists and advisers as may be deemed necessary.

3. The aforesaid Commission shall be responsible for studying and proposing appropriate means of ensuring the proper implementation of this Agreement.

Article XVII

This Agreement shall supersede, from the date of its entry into force, the Agreement on Intellectual Co-operation between Brazil and Portugal, signed at Lisbon on 6 December 1948.

Article XVIII

This Agreement shall enter into force 30 days after the date of the exchange of the instruments of ratification, which shall take place at the city of Brasília, and shall remain in force until the expiry of six months from the date on which it is denounced by either of the Contracting Parties.

IN WITNESS WHEREOF the aforementioned plenipotentiaries have signed and sealed this Agreement.

DONE at Lisbon, on the seventh day of September 1966, in two equally authentic copies.

For the Government
of the United States of Brazil :
JURACY MAGALHÃES

For the Portuguese
Government :
FRANCO NOGUEIRA