

No. 13163

**BRAZIL
and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Agreement on shipping. Signed at Moscow on 20 October
1972**

Authentic texts: Portuguese and Russian.

Registered by Brazil on 21 March 1974.

**BRÉSIL
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

**Accord concernant les transports maritimes. Signé à Moscou
le 20 octobre 1972**

Textes authentiques : portugais et russe.

Enregistré par le Brésil le 21 mars 1974.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON SHIPPING BETWEEN THE GOVERNMENT OF
THE FEDERATIVE REPUBLIC OF BRAZIL AND THE
GOVERNMENT OF THE UNION OF SOVIET SOCIALIST
REPUBLICS

The Government of the Federative Republic of Brazil and the Government of the Union of Soviet Socialist Republics, desiring to develop shipping between the two countries, have decided to conclude this Agreement.

Article I. For the purpose of this Agreement:

1. The term “vessel of the Contracting Party” means any vessel listed in the shipping register of the Party; it does not, however, include:

- (a) warships;
- (b) other vessels when they are being used exclusively for military purposes;
- (c) research vessels (hydrographic, oceanographic and scientific research vessels);
- (d) fishing vessels.

2. The term “member of the crew” means any person who is actually employed during a voyage on board a vessel in duties relating to the operation or maintenance of the vessel and is included in the crew list.

Article II. The Contracting Parties shall do everything possible to promote merchant shipping between the two countries and shall refrain from any acts which might jeopardize the normal development of free international merchant shipping.

The Contracting Parties agree in particular to:

- (a) encourage preferential participation by Brazilian and Soviet vessels in the carriage of goods between the ports of the two countries in accordance with the provisions of the sales contracts, and to co-operate in removing any barriers that might hinder the development of such carriage;
- (b) place no obstacles in the way of vessels flying the flag of the other Contracting Party engaging in ocean carriage between ports in its country and ports in third countries;
- (c) promote the development of effective co-operation between the shipping authorities of the two countries and between their shipping enterprises with a view to achieving maximum implementation of this Agreement.

Article III. 1. Each Contracting Party shall grant to vessels of the other Contracting Party in its ports and territorial waters the same treatment as it would grant to its own vessels engaged in international carriage in respect of free access to ports, use of ports for loading and unloading, embarkation and disembarkation of passengers, payment of port and other charges and dues, use of navigation services and related routing commercial operations.

¹ Came into force on 29 July 1973, i.e. 30 days after the date of the last of the notifications by which each Contracting Party informed the other of the completion of the procedures required under its law, in accordance with article XII (1).

2. The provisions of paragraph 1 of this article shall not affect:

- (a) ports which are not open to foreign vessels;
- (b) activities which are restricted by law in each country to its own organizations, enterprises or citizens, including in particular national coastal shipping, rescue and salvage work, towing and other port services;
- (c) rules on obligatory pilotage by escort for foreign vessels;
- (d) rules governing the entry and stay of aliens in the territories of the Contracting Parties.

Article IV. The Contracting Parties shall, within the limits of their legislation and port regulations, take all necessary measures to facilitate and expedite ocean carriage, prevent any unnecessary delays to vessels and, as far as possible, expedite and simplify the customs and other formalities in ports.

Article V. 1. Nationality and tonnage certificates and other ships' papers issued or recognized by one of the Contracting Parties shall also be recognized by the other Party.

2. Ships of either Contracting Party carrying a valid tonnage certificate shall be exempt from re-measurement in the ports of the other Party.

Article VI. The Contracting Parties agree that, in respect of recognition of the identity documents of seafarers of the other Contracting Party for the purposes of admission to and stay in the territory, the relevant provisions of Convention No. 108 of the International Labour Organisation concerning Seafarers' National Identity Documents¹ shall be applied.

Article VII. Shipping enterprises and companies with head offices in the territory of one Contracting Party shall not be liable in the territory of the other Contracting Party to taxation on profits and income derived from commercial transport operations.

Article VIII. 1. If a vessel of one Contracting Party is wrecked, runs aground off or on the shore or is otherwise in distress near the coast of the other Contracting Party, such vessel and its cargo shall enjoy the same advantages and privileges in the territory of the latter Party and bear the same responsibility as a vessel of that Contracting Party and its cargo. The master, crew and passengers, and also the vessel itself and its cargo, shall at all times be afforded the same aid and assistance as would be afforded to a vessel of the latter Party. Nothing in this article shall affect the right of rescuers to require compensation for any aid or assistance rendered to the vessel, its passengers, crew or cargo.

2. The vessel in distress, its cargo, equipment and furnishings, stores and other objects from the vessel, if they are not intended for use or consumption in the territory of the other Contracting Party, shall not be subject to customs duties or any other charges of any kind imposed on, or in connexion with, importation.

3. Nothing in the provisions of paragraph 2 of this article shall be interpreted as precluding the application of the laws and regulations of the Contracting Parties in respect of the temporary storage of goods.

Article IX. The Contracting Parties agree to recognize any clause or agreement on arbitration of disputes between their citizens or bodies corporate relating to merchant shipping or navigation and undertake to enforce any arbitral awards made in such disputes, provided that:

- (a) both parties to the dispute agreed to refer the dispute to arbitration;

¹ United Nations, *Treaty Series*, vol. 389, p. 277.

- (b) the award has become operative under the law of the country in which it is made;
- (c) the award is not contrary to public policy in the country in which enforcement of the award is sought.

Enforcement of arbitral awards shall be carried out in accordance with the laws of the country in which enforcement is sought.

This agreement on the submission of disputes to arbitration shall preclude recourse to the courts in connexion with such disputes.

Article X. For the purpose of Brazilian-Soviet trade, joint regular shipping routes may be established between the ports of the Federative Republic of Brazil and the Union of Soviet Socialist Republics with equal participation for Brazilian and Soviet tonnage.

The National Administration of the Merchant Navy of the Federative Republic of Brazil and the Ministry of Shipping of the Union of Soviet Socialist Republics shall each designate national shipping enterprises to operate those routes, which shall conclude an agreement governing such matters as schedules, ports of call and conditions for cargo-sharing.

The shipping enterprises of the Contracting Parties thus designated to operate those routes shall be entitled to use chartered vessels flying the flag of third countries on such routes.

Article XI. 1. The two Contracting Parties shall, in a spirit of close co-operation, regularly consult in order to:

- (a) discuss and improve the manner of implementation of this Agreement;
- (b) consider specific problems which, in the view of the Parties, require urgent attention;
- (c) propose amendments to this Agreement.

2. Either Contracting Party may propose consultations between the competent shipping authorities, and such consultations shall be initiated no later than 90 days after the date of submission of such a proposal.

3. For the purposes of this article, the competent shipping authorities are, in the case of the Federative Republic of Brazil, the National Administration of the Merchant Navy (Superintendência Nacional de Marinha Mercante — SUNAMAM) and, in the case of the Union of Soviet Socialist Republics, the Ministry of Shipping.

4. Any amendments to this Agreement agreed on by the Contracting Parties shall enter into force following an exchange of diplomatic notes.

Article XII. 1. Each Contracting Party shall notify the other Contracting Party of the completion of the procedures required under its laws for the entry into force of this Agreement, which shall enter into force 30 days after the date of the last such notification.

2. This Agreement shall remain in force until one of the Contracting Parties terminates it by notifying the other Contracting Party 12 months in advance.

IN WITNESS WHEREOF the undersigned, duly authorized by their respective Governments, have signed this Agreement and affixed their seals thereto.

DONE in Moscow on 20 October 1972 in duplicate in the Portuguese and Russian languages, both texts being equally authentic.

For the Government
of the Federative Republic
of Brazil:

[*Signed*]

ILMAR PENNA MARINHO

For the Government
of the Union of Soviet Socialist
Republics:

[*Signed*]

TIMOTEI BORRISOVICH GUJENKO
