

No. 17831

**BRAZIL
and
CHINA**

Trade Agreement. Signed at Beijing on 7 January 1978

Authentic texts: Portuguese and Chinese.

Registered by Brazil on 30 May 1979.

**BRÉSIL
et
CHINE**

Accord commercial. Signé à Beijing le 7 janvier 1978

Textes authentiques : portugais et chinois.

Enregistré par le Brésil le 30 mai 1979.

[TRANSLATION — TRADUCTION]

TRADE AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
FEDERATIVE REPUBLIC OF BRAZIL AND THE GOVERNMENT
OF THE PEOPLE'S REPUBLIC OF CHINA

The Government of the Federative Republic of Brazil and the Government of the People's Republic of China,

Hereinafter referred to as "Contracting Parties", desiring to promote friendship between the peoples of the two countries and strengthen and develop their trade relations on a basis of equality and mutual benefit, have decided to conclude this Trade Agreement:

Article 1. The Contracting Parties shall make every effort and take all necessary measures to promote and expand trade between the two countries, gradually increase the variety of exchanges of goods and endeavour in so far as possible to maintain a balance in such trade.

Each Contracting Party shall, in accordance with its legislation concerning foreign trade and foreign exchange, grant the necessary facilities for the import and export of goods produced in the other country.

Article 2. The Contracting Parties shall grant each other most-favoured-nation treatment no less favourable than that which either Party has granted or may hereafter grant to third countries in respect of licences, customs duties and other taxes and charges in connection with the import and export of goods, and customs regulations, formalities and procedures.

The aforementioned provisions shall not apply to:

- (a) Special benefits, preferences, privileges and immunities which either Contracting Party has granted or may hereafter grant to contiguous countries for the purpose of facilitating frontier traffic;
- (b) Special benefits which either Contracting Party has granted or may hereafter grant to third countries by virtue of its participation in a free trade zone or regional or subregional integration agreements;
- (c) Special benefits which either Contracting Party has granted or may hereafter grant to third countries by virtue of its participation in multilateral trade agreements among developing countries.

Article 3. The prices of goods to be traded between the two countries shall be determined by the buying and selling parties in the relevant commercial contracts on the basis of the international market prices of goods of the same or comparable quality and specifications.

Article 4. Payments in respect of trade between the two countries shall be made in freely convertible currencies agreed upon by the buying and selling parties in accordance with the foreign exchange control regulations in force in each country.

¹ Applied provisionally from 7 January 1978, the date of signature, and came into force definitively on 22 November 1978, the date on which the Contracting Parties informed each other of the completion of their domestic legal formalities, in accordance with article 11.

Article 5. The Contracting Parties shall take all possible measures to bring about a gradual increase in the proportion of finished and semi-finished products exported by both countries without prejudice to trade in new products and traditional goods.

Article 6. The Contracting Parties agree that the exchange of goods between the two countries shall be carried out by corporations or individuals of the Federative Republic of Brazil engaging in foreign trade and State trading companies of the People's Republic of China.

During the period in which this Agreement is in force, the buyer and seller may at any time sign agreements and contracts for the import and export of goods, as deemed necessary by both parties, in order to facilitate the development of trade between the two countries.

Article 7. For the purposes of developing trade relations between the two countries, the Contracting Parties shall strive to promote the exchange of trade delegations and to hold trade exhibitions and fairs, and to this end shall grant each other all the facilities normally provided in such circumstances, in accordance with the legislation in force in each country.

Article 8. The provisions of this Agreement shall not apply to any restrictive measures that either Contracting Party may take to protect national security, public health, animal or plant health or its national artistic, historical or archaeological heritage.

Article 9. The Contracting Parties agree to establish a Mixed Trade Commission to monitor the implementation of this Agreement and to study possibilities and measures for expanding trade for their mutual benefit.

In principle, the Commission shall meet once every two years, with meetings held alternately in Brasília and Beijing. The specific date of the meeting shall be determined by agreement between the Contracting Parties.

Article 10. Upon the expiry of this Agreement, all commercial contracts and financial agreements relating to trade that were signed in conformity with this Agreement while it was in force shall continue to be implemented in accordance with its provisions.

Article 11. This Agreement shall enter into force provisionally on the date of signature and fully on the date on which the Contracting Parties inform each other that their respective domestic legal formalities have been completed. It shall remain in force for three years and shall be automatically extended for successive periods of one year unless either Contracting Party notifies the other in writing, three months prior to its expiry, of its desire to terminate it.

DONE at Beijing on 7 January 1978, in two copies in the Portuguese and Chinese languages, both texts being equally authentic.

For the Government
of the Federative Republic
of Brazil:

[Signed]

ALUÍZIO NAPOLEÃO DE FREITAS RÊGO

For the Government
of the People's Republic of China:

[Signed]

LI CHIANG