

No. 27826

**BRAZIL
and
CUBA**

Trade Agreement. Signed at Brasília on 16 October 1989

Authentic texts: Portuguese and Spanish.

Registered by Brazil on 27 December 1990.

**BRÉSIL
et
CUBA**

Accord commercial. Signé à Brasília le 16 octobre 1989

Textes authentiques : portugais et espagnol.

Enregistré par le Brésil le 27 décembre 1990.

[TRANSLATION — TRADUCTION]

TRADE AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
FEDERATIVE REPUBLIC OF BRAZIL AND THE GOVERN-
MENT OF THE REPUBLIC OF CUBA

The Government of the Federative Republic of Brazil and the Government of the Republic of Cuba, hereinafter referred to as the Contracting Parties,

Bearing in mind that both countries are members of the General Agreement on Tariffs and Trade (GATT),² which is to govern their bilateral trade,

Desiring to strengthen and develop trade relations between the two countries on the basis of equality and mutual benefit,

Desiring to initiate economic cooperation and trade on the basis of the principles of sovereignty and national independence and,

Acting in keeping with the principles of the Charter of the United Nations and the spirit of Latin American integration,

Have agreed as follows:

Article I

The Contracting Parties shall endeavour to promote and increase reciprocal trade, in accordance with the provisions of this Agreement and the laws and regulations in force in their respective countries.

Article II

1. For the purpose of trade covered by this Agreement, each Contracting Party shall grant the other most-favoured-nation treatment with respect to:

- Customs duties and other charges and taxes imposed on or related to import and export.
- Customs regulations and formalities relating to import and export.

2. The provisions of this Article shall not apply to special benefits, privileges and facilities which either Contracting Party has granted or may in future grant:

- (a) To neighbouring countries for the purpose of facilitating frontier traffic;
- (b) To the other members of free trade zones, customs unions or economic integration agreements of which they are members;
- (c) By virtue of multilateral trade agreements between developing countries to which one of the Contracting Parties is not a signatory.

Article III

1. Trade between Brazilian physical or juridical persons and competent Cuban organizations authorized by law to engage in international trade shall be

¹ Came into force on 29 November 1990, the date on which the Contracting Parties notified each other of the completion of the required procedures, in accordance with article XV (1).

² United Nations, *Treaty Series*, vol. 55, p. 187.

governed by the provisions of this Agreement and the legal regulations in force in each country and, when necessary, consultations as provided for in article V shall be held.

2. The terms and conditions of each commercial transaction shall be specified in the relevant contracts.

Article IV

1. Trade between the two countries shall take place in accordance with the provisions of article II of this Agreement and shall involve raw materials and manufactured and processed products originating in the territories of the Contracting Parties.

2. Either of the Contracting Parties may indicate to the other Contracting Party which products are of interest to it for the development of trade.

Article V

For the re-exportation of goods traded and covered by this Agreement, the companies concerned shall hold consultations and obtain prior authorization from the competent authorities in the country of origin of the goods.

Article VI

Having regard to the possibilities and domestic economic needs of the two countries, the Contracting Parties shall, by all means at their disposal, foster and support the conclusion of contracts for the purchase and sale of goods and services with the aim of gradually ensuring dynamic and mutually beneficial trade.

Article VII

In accordance with their own laws and the provisions of international agreements which both have signed, the Contracting Parties undertake to protect industrial property rights in their respective territories against unfair competition stemming from the fraudulent use of marks of goods originating in the other Contracting Party by prohibiting the import, manufacture, circulation or sale of goods bearing marks, geographical names or any other false indication of the origin or source of the goods.

Article VIII

The Contracting Parties shall, in accordance with their respective laws and regulations on import and export, shall authorize the duty-free import and export of:

(a) Samples of goods and advertising materials for sales promotion and publicity purposes;

(b) Items and goods to be displayed at international fairs and exhibitions which are to be held in the territory of each of the Contracting Parties.

Article IX

In order to achieve the objectives of the present Agreement, both Parties shall endeavour to foster, through their competent agencies, an exchange of information on commercial opportunities in their markets for exports of the other Party, including statistical data and other information designed to maintain and develop medium- and long-term trade.

Article X

The Contracting Parties shall endeavour, in accordance with their respective laws, and through the competent bodies, to facilitate registration, renewal and exchange of the right to use marks, patents and trade names of goods originating in the other Contracting Party.

Article XI

In order to promote the objectives of this Agreement, the Contracting Parties shall, in accordance with their laws and regulations in force, facilitate the exchange of trade delegations and representatives of technical bodies dealing with foreign trade with the aim of broadening knowledge of trade and export promotion.

Article XII

The provisions of this Agreement shall not be interpreted as precluding the adoption and implementation of measures relating to:

- (a) Application of laws and regulations concerning security;
- (b) Regulation of the import and export of arms, ammunition and other military matériel and
- (c) Inspection for quality and health standards.

Article XIII

Payments in respect of commercial transactions resulting from trade covered by this Agreement shall be made in accordance with the terms agreed by the companies and/or organizations of each country legally authorized to engage in foreign trade in accordance with the laws in force in each of the Contracting Parties.

Article XIV

1. For the purposes of ensuring implementation of this Agreement and dealing with issues affecting the development of trade between the two countries, the Contracting Parties agree to establish a Mixed Foreign Trade Commission, which shall meet alternately in Brazil and Cuba at the request of either of the Contracting Parties, made at least three months in advance.

2. The Mixed Commission shall have the following duties:

- (a) To review trade relations between the two countries and to adopt recommendations necessary for their development;
- (b) To review the facilities the Parties are able to extend to one another for the signing of commercial contracts;
- (c) To study any difficulties that may arise in the operation of this Agreement and to take the necessary measures to eliminate them;
- (d) To review issues of mutual interest in international economic negotiations, including international commodities agreements, and cooperation and regional integration in Latin America and the Caribbean.

Article XV

1. This Agreement shall enter into force on the date on which the Contracting Parties inform one another through the diplomatic channel that the prescribed procedures in each country have been completed.

2. This Agreement shall remain in force for three years and shall be automatically extended for further periods of one year unless either Party denounces it in writing at least three months prior to its expiry.

3. The provisions of this Agreement shall continue to apply to all commercial transactions agreed upon prior to its expiry.

DONE at Brasília on 16 October 1989 in duplicate, in Portuguese and Spanish, both texts being equally authentic.

For the Government
of the Federative Republic
of Brazil:

[Signed]

PAULO TARSO FLECHA DE LIMA

For the Government
of the Republic of Cuba:

[Signed]

RICARDO CABRISAS RUÍZ
