

TRADE AGREEMENT BETWEEN THE GOVERNMENT OF INDIA  
AND THE GOVERNMENT OF THE REPUBLIC OF BRAZIL.

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The Government of India and

The Government of the Republic of Brazil

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:

Shri Dinesh Singh,  
Minister for Commerce,  
Government of India

Mr. Jose de Magalhaes Pinto,  
Minister of External Relations,  
The Government of the Republic of Brazil

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

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authorizations for trade operations between persons physical or juridical of India and of Brazil.

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 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, 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 favour 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 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.

ARTICLE VII

With due regard to Indian legislation, Brazilian citizens and juridical persons shall enjoy in respect of 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.

*Dinesh Singh*

(Dinesh Singh)  
On behalf of the Government  
of India

*Jose de Magalhaes Pinto*  
(Jose de Magalhaes Pinto)  
On behalf of the Government  
of the Republic of Brazil