

N° 4324.

BRÉSIL ET LITHUANIE

Echange de notes comportant un accord commercial provisoire. Rio de Janeiro, le 28 septembre 1937.

BRAZIL AND LITHUANIA

Exchange of Notes constituting a Provisional Commercial Agreement. Rio de Janeiro, September 28th, 1937.

N^o 4324. — ÉCHANGE DE NOTES ENTRE LES GOUVERNEMENTS BRÉSILIEU ET LITHUANIEN COMPORTANT UN ACCORD COMMERCIAL PROVISOIRE. RIO DE JANEIRO, LE 28 SEPTEMBRE 1937.

N^o 4324. — TROCA DE NOTAS ENTRE O GOVERNO BRASILEIRO E O GOVERNO DA LITHUANIA RELATIVAS A UN ACCORDO COMMERCIAL PROVISORIO. RIO DE JANEIRO, EM 28 DE SETEMBRO 1937.

Textes officiels français et portugais communiqués par l'envoyé extraordinaire et ministre plénipotentiaire des Etats-Unis du Brésil à Berne. L'enregistrement de cet échange de notes a eu lieu le 9 avril 1938.

French and Portuguese official texts communicated by the Envoy Extraordinary and Minister Plenipotentiary of the United States of Brazil at Berne. The registration of this Exchange of Notes took place April 9th. 1938.

I.

LÉGATION DE LITHUANIE.

RIO DE JANEIRO, le 28 septembre 1937.

MONSIEUR LE MINISTRE,

J'ai l'honneur de porter à la connaissance de Votre Excellence, comme suite à ma note du 9 septembre 1936, que le Gouvernement lithuanien m'a autorisé à faire au Gouvernement brésilien la déclaration ci-après :

Le Gouvernement lithuanien désireux de faciliter et développer les relations commerciales entre la Lithuanie et les Etats-Unis du Brésil, propose que, jusqu'à la conclusion d'un traité de commerce et navigation entre les deux pays, lesdites relations soient réglées par les clauses suivantes :

1^o Les produits naturels ou manufacturés de la Lithuanie importés au Brésil (pour la consommation ou la réexportation, ou en transit) ne seront passibles de droits d'entrée, impôts, taxes ou charges douanières quelconques autres ni plus élevés que ceux appliqués aux produits similaires de la nation la plus favorisée, à la condition que les produits naturels ou manufacturés du Brésil, importés en Lithuanie (pour la consommation ou la réexportation, ou en transit) ne soient passibles de droits d'entrée, impôts, taxes ou charges douanières quelconques, autres ni plus élevés que ceux appliqués aux produits similaires importés de la nation la plus favorisée. De même, à la condition de réciprocité, les produits naturels ou manufacturés de la Lithuanie importés au Brésil ne seront soumis à des formalités douanières autres que celles applicables aux produits similaires importés de la nation la plus favorisée.

II.

TEXTE PORTUGAIS. — PORTUGUESE TEXT.

EC /2 /890.(42) (70^o).*Em 28 de Setembro de 1937.*

SENHOR MINISTRO,

Tenho a honra de accusar o recebimento da sua Nota, de hoje, na qual, em additamento á de 9 de Setembro de 1936, Vossa Excellencia se dignou communicar-me que o Governo lithuanico, desejo de facilitar e desenvolver as relações commerciaes entra os Estados Unidos do Brasil e a Lithuania, propõe que, até á conclusão de um Tratado de Commercio e Navegação entre os dois paizes, as referidas relações sejam reguladas pelas seguintes clausulas :

1) Os productos naturaes ou manufacturados da Lithuania importados no Brasil (para o consumo ou a reexportação ou em transit), não serão sujeitos a direitos de entrada, a impostos, a taxas ou a onus aduaneiros quaesquer, diferentes nem mais elevados do que os que recahirem sobre os productos similares importados da nação mais favorecida, sob a condição de que os productos naturaes ou manufacturados do Brasil, importados na Lithuania (para o consumo ou a reexportação ou em transit) não sejam sujeitos a direitos de entrada, a impostos, a taxas ou a onus aduaneiros quaesquer, diferentes nem mais elevados do que os que recahirem sobre os productos similares importados da nação mais favorecida. Outrosim, sob a condição de reciprocidade, os productos naturaes ou manufacturados da Lithuania importados no Brasil, não serão submettidos a formalidades aduaneiras diferentes das que se applicarem aos productos similares importados da nação mais favorecida.

2) Os productos naturaes ou manufacturados da Lithuania importados no Brasil não serão onerados de impostos ou taxas, cobrados após o despacho aduaneiro, diferentes nem mais elevados do que os que

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

II.

¹ TRADUCTION. — TRANSLATION.EC /2 /890.(42) (70^o).*Le 28 septembre 1937.*

MONSIEUR LE MINISTRE,

J'ai l'honneur d'accuser réception de votre note de ce jour dans laquelle, comme suite à celle du 9 septembre 1936, vous voulez bien me faire savoir que le Gouvernement lithuanien, désireux de faciliter et de développer les relations commerciales entre les Etats-Unis du Brésil et la Lithuanie, propose que, jusqu'à la conclusion d'un traité de commerce et de navigation entre les deux pays, lesdites relations soient réglées par les clauses suivantes :

1^o Les produits naturels ou manufacturés de la Lithuanie importés au Brésil (pour la consommation ou la réexportation, ou en transit) ne seront pas passibles de droits d'entrée, impôts, taxes ou charges douanières quelconques autres ni plus élevés que ceux qui sont appliqués aux produits similaires importés en provenance de la nation la plus favorisée, à la condition que les produits naturels ou manufacturés du Brésil, importés en Lithuanie (pour la consommation ou la réexportation, ou en transit) ne soient pas passibles de droits d'entrée, impôts, taxes ou charges douanières quelconques, autres ni plus élevés que ceux qui sont appliqués aux produits similaires importés en provenance de la nation la plus favorisée. De même, sous condition de réciprocité, les produits naturels ou manufacturés de la Lithuanie importés au Brésil ne seront pas soumis à des formalités douanières autres que celles qui sont applicables aux produits similaires importés en provenance de la nation la plus favorisée.

2^o Les produits naturels ou manufacturés de Lithuanie importés au Brésil ne seront pas grevés d'impôts ni de taxes, perçus après le dédouanement, autres ni plus élevés que ceux qui grèveront les pro-

¹ Translated by the Secretariat of the League of Nations, for information.

¹ TRADUCTION. — TRANSLATION.

No. 4324. — EXCHANGE OF NOTES BETWEEN THE BRAZILIAN AND LITHUANIAN GOVERNMENTS CONSTITUTING A PROVISIONAL COMMERCIAL AGREEMENT. RIO DE JANEIRO, SEPTEMBER 28TH, 1937.

I.

LITHUANIAN LEGATION.

RIO DE JANEIRO, *September 28th, 1937.*

YOUR EXCELLENCY,

With reference to my note of September 9th, 1936, I have the honour to inform Your Excellency that the Lithuanian Government has authorised me to make the following statement to the Brazilian Government :

The Lithuanian Government, being desirous of promoting and developing commercial relations between Lithuania and the United States of Brazil, proposes that, pending the conclusion of a Treaty of Commerce and Navigation between the two countries, the said relations should be governed by the following provisions :

(1) Goods produced or manufactured in Lithuania and imported into Brazil (whether for consumption or re-export or in transit) shall not be subject to any import duties, taxes, charges or Customs fees other or higher than those to which like goods, imported from the most-favoured nation, are subject, on condition that goods produced or manufactured in Brazil and imported into Lithuania (whether for consumption or re-export or in transit) shall not be subject to any import duties, taxes, charges or Customs fees other or higher than those to which like goods, imported from the most-favoured nation, are subject. Similarly, on condition of reciprocity, goods produced or manufactured in Lithuania and imported into Brazil shall not be subject to Customs formalities other than those to which like goods imported from the most-favoured nation are subject.

(2) Goods produced or manufactured in Brazil and imported into Lithuania shall not be subject to taxes or charges, levied after clearance through the Customs, other or higher than those to which like goods imported from the most-favoured nation are subject, on condition that goods produced or manufactured in Lithuania and imported into Brazil shall not be subject to taxes or charges, levied after clearance through the Customs, other or higher than those to which like goods imported from the most-favoured nation are subject.

(3) Should either of the two countries impose any restriction whatsoever on the importation of an article of vital importance to the other country, the country which shall have imposed such restriction shall comply with any request of the other country for the immediate opening of negotiations with a view to reaching a satisfactory settlement. If agreement cannot be reached within a period of thirty days as from the receipt of the request for the opening of negotiations, the country which has

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requested the opening of negotiations shall be entitled to denounce the present Agreement, either with the thirty days' notice specified hereunder or with fifteen days' notice.

(4) The Lithuanian Government hereby undertakes that, in the event of its making the importation of goods contingent upon the granting of permits to purchase foreign exchange, it will grant the permits necessary for the importation of Brazilian goods on the same conditions as may be adopted for the granting of permits to purchase the exchange necessary for the importation of goods of the most-favoured nation, provided that the Brazilian Government undertakes, for its part, to adopt an identical practice with respect to the granting of any permits to purchase the exchange necessary for the importation of Lithuanian goods into Brazil.

(5) It is understood that the most-favoured-nation treatment referred to in the foregoing provisions shall not apply to any special favours that are at present or may hereafter be accorded by Lithuania to Estonia and Latvia.

(6) It is further understood that the most-favoured-nation treatment referred to in the foregoing provisions shall not apply to such special favours as either of the two countries has accorded, or may hereafter accord, to adjacent countries in order to facilitate frontier traffic, or to special advantages resulting from a Customs union.

2. Should the Brazilian Government approve the above provisions, I would ask Your Excellency to be good enough to confirm the fact by reproducing them in your reply, which, together with the present note, would constitute a Provisional Commercial Agreement between Lithuania and the United States of Brazil.

3. I have further the honour to propose to Your Excellency that this Agreement should be brought into force immediately, the two Governments reserving the right to denounce it with thirty days' notice.

I have the honour to be, etc.

(Signed) AUKSTUOLIS.

His Excellency
Dr. Mario de Pimentel Brandão,
Minister for Foreign Affairs
of the United States of Brazil.

II.

EC/2/890.(42)(70e).

September 28th, 1937.

MONSIEUR LE MINISTRE,

I have the honour to acknowledge the receipt of your note of to-day's date, in which, with reference to your note of September 9th, 1936, Your Excellency was good enough to inform me that the Lithuanian Government, being desirous of promoting and developing commercial relations between the United States of Brazil and Lithuania, proposes that, pending the conclusion of a Treaty of Commerce and Navigation between the two countries, the said relations should be governed by the following provisions :

(1) Goods produced or manufactured in Lithuania and imported into Brazil (whether for consumption or re-export or in transit) shall not be subject to any import duties, taxes, charges or Customs fees other or higher than those to which like goods, imported from the most-favoured nation, are subject, on condition that goods produced or manufactured in Brazil and imported into Lithuania (whether for consumption or re-export or in transit) shall not be subject to any import duties, taxes, charges or Customs fees other or higher than those to which like goods, imported from the most-favoured nation,

are subject. Similarly, on condition of reciprocity, goods produced or manufactured in Lithuania and imported into Brazil shall not be subject to Customs formalities other than those to which like goods imported from the most-favoured nation are subject.

(2) Goods produced or manufactured in Lithuania and imported into Brazil shall not be subject to taxes or charges, levied after clearance through the Customs, other or higher than those to which like goods imported from the most-favoured nation are subject, on condition that goods produced or manufactured in Brazil and imported into Lithuania shall not be subject to taxes or charges, levied after clearance through the Customs, other or higher than those to which like goods imported from the most-favoured nation are subject.

(3) Should either of the two countries impose any restriction whatsoever on the importation of an article of vital importance to the other country, the country which shall have imposed such restriction shall comply with any request of the other country for the immediate opening of negotiations with a view to reaching a satisfactory settlement. If agreement cannot be reached within a period of thirty days as from the receipt of the request for the opening of negotiations, the country which has requested the opening of negotiations shall be entitled to denounce the present Agreement, either with the thirty days' notice specified hereunder or with fifteen days' notice.

(4) The Brazilian Government hereby undertakes that, in the event of its making the importation of goods contingent upon the granting of permits to purchase foreign currency or bills of exchange on foreign markets, it will grant the permits necessary for the importation of Lithuanian goods on the same conditions as may be adopted for the granting of permits to purchase the currency or bills of exchange necessary for the importation of goods of the most-favoured nation, provided that the Lithuanian Government undertakes, for its part, to adopt an identical practice with respect to the granting of any permits to purchase the currency or bills of exchange necessary for the importation of Brazilian goods into Lithuania.

(5) It is understood that the most-favoured-nation treatment referred to in the foregoing provisions shall not apply to any special favours that are at present or may hereafter be accorded by Lithuania to Estonia and Latvia.

(6) It is further understood that the most-favoured-nation treatment referred to in the foregoing provisions shall not apply to such special favours as either of the two countries has accorded or may hereafter accord to adjacent countries in order to facilitate frontier traffic, or to special advantages resulting from a Customs union.

2. I have the honour to inform Your Excellency that the Brazilian Government, being equally desirous with the Lithuanian Government to promote and develop commercial relations between Brazil and Lithuania, agrees that such relations shall be governed by the above provisions and that Your Excellency's note of to-day's date, together with the present note, shall constitute a Provisional Commercial Agreement between the United States of Brazil and Lithuania, which shall come into force immediately, and may be denounced by either of the two Governments with thirty days' notice.

I have the honour to be, etc.

(Signed) Mario DE PIMENTEL BRANDÃO.

His Excellency
Monsieur Jonas Aukstuolis,
Envoy Extraordinary and Minister Plenipotentiary
of Lithuania.
