

No. 15481

**BRAZIL
and
FRANCE**

Maritime Agreement. Signed at Paris on 24 October 1975

Authentic texts: Portuguese and French.

Registered by Brazil on 24 February 1977.

**BRÉSIL
et
FRANCE**

Accord maritime. Signé à Paris le 24 octobre 1975

Textes authentiques : portugais et français.

Enregistré par le Brésil le 24 février 1977.

[TRANSLATION — TRADUCTION]

**MARITIME AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
FEDERATIVE REPUBLIC OF BRAZIL AND THE GOVERNMENT
OF THE FRENCH REPUBLIC**

The Government of the Federative Republic of Brazil and the Government of the French Republic,

Desiring to ensure the harmonious development of maritime exchanges between Brazil and France on the basis of reciprocity of interests and freedom of maritime foreign trade, have agreed as follows:

Article I. For the purposes of this Agreement:

1. The term “ship of a Contracting Party” means any vessel flying the flag of that Party, in accordance with its laws. This term shall not, however, include:

- (a) warships;
- (b) other ships manned by a crew belonging to the naval forces;
- (c) ships used for hydrographic, oceanographic and scientific research which do not conform to the regulations in force in the other Party concerning such activities;
- (d) fishing vessels.

2. The term “crew member of a ship” means any person actually employed for duties on board during a voyage in the working or service of a ship and included in the crew list.

Article II. This Agreement shall apply to the territory of the Federative Republic of Brazil, on the one hand, and to the territory of the French Republic, on the other.

Article III. 1. The Contracting Parties agree:

- (a) to encourage the participation of ships of Brazil and France in freight transport between the two countries and not to prevent any ship sailing under the flag of the other Contracting Party from engaging in freight transport between the ports of its country and the ports of third countries;
- (b) to co-operate in removing obstacles which may hinder the development of maritime trade between the two Parties and the various activities connected with such trade.

2. The provisions of this Agreement, which take into account the mutual interests of the two countries, shall not affect the right of ships sailing under the flag of a third country to participate in freight transport between the ports of the two Contracting Parties.

Article IV. 1. In respect of access to ports, the levying of port dues and charges and the use for ships and their crews, passengers and cargo of the ports and all the facilities provided for navigation and commercial transactions, each Contract-

¹ Came into force on 1 November 1979, i.e. the first day of the first month following the date of the last of the notifications by which the Contracting Parties informed each other of the fulfilment of the required constitutional procedures, in accordance with article XV (1).

ing Party shall accord to the ships of the other Party the same treatment in its ports and territorial waters, on the basis of effective reciprocity, that it accords to its own ships used for international transport. This provision refers, in particular, to the allocation of docking space and loading and unloading facilities.

2. The provisions of the preceding paragraph shall not apply to activities which, under the legislation of each country, are reserved for its own flag and, in particular, to port services, towage, salvage, pilotage, the domestic coasting trade, or to the formalities concerning the admission and residence of aliens.

Article V. 1. The Contracting Parties shall, within the limits of their legislation and port regulations, take the necessary measures to avoid delay of ships and to accelerate and simplify as much as possible the completion of administrative, customs and health formalities applicable in ports.

2. As regards these formalities, the treatment accorded shall be that of most favoured nation.

Article VI. Each Contracting Party shall recognize the nationality of ships of the other Contracting Party on the basis of the documents on board those ships issued by the competent authorities of the other Contracting Party in accordance with its laws and regulations.

Article VII. 1. Each Contracting Party shall recognize the tonnage certificates issued by the other Contracting Party.

2. Each Contracting Party reserves the right to carry out, if necessary, through its competent authorities any verification designed solely to ensure that the tonnage stated on the tonnage certificate, or any other document used in lieu thereof, effectively corresponds to the applicable tonnage in its territory.

3. If major differences are discovered between the Brazilian tonnage and the French tonnage, the competent French authorities have the right to rectify the tonnage of Brazilian ships and, for their part, the competent Brazilian authorities may, under the same hypothesis, rectify the tonnage of French ships. These rectifications shall be valid only for the voyage during which their need has been recognized and established.

4. If inspection reveals that the tonnage or the characteristics of the ship differ from those mentioned on the tonnage certificate or any other document used in lieu thereof, the competent authorities of the country under whose flag the ship is sailing shall be so informed.

5. As soon as the necessary correction has been made, the competent authorities who have effected it shall immediately so inform the competent authorities of the other Contracting Party.

Article VIII. Each Contracting Party shall recognize the seafarers' identity documents issued by the competent authorities of the other Contracting Party. Such documents shall be, in the case of the Federative Republic of Brazil, the "Caderneta de Inscrição e Registro da Directoria de Portos e Costas do Ministério da Marinha" and, in the case of the French Republic, the "Livret professionnel maritime".

Article IX. 1. Persons in possession of the identity documents referred to in article VIII of this Agreement may, without a visa, disembark and stay in the district in which the port of call is situated while the ship is lying in that port, provided that

their names are included in the crew list and in the list submitted to the port authorities.

2. When they disembark and re-embark, such persons must satisfy the statutory controls.

Article X. 1. Nationals of one of the Contracting Parties who are in possession of the identity documents referred to in article VIII of this Agreement shall be entitled to pass through the territory of the other Contracting Party without a visa in order to return to their port of embarkation or their country of origin, provided that they hold an embarkation or disembarkation order issued by the competent authorities of their country.

2. The length of stay in the territory of one of the Contracting Parties by seafarers who are nationals of the other Contracting Party and who are travelling under the authority of their identification document referred to in article VIII and of an embarkation or disembarkation order, shall be limited to a period of 15 consecutive days, which may, in exceptional cases, be extended for reasons found acceptable by the competent authorities.

3. Each of the Contracting Parties shall undertake to readmit to its territory without formality any person holding the document referred to in paragraph 1 of this article and issued by the Party concerned, even in cases where the nationality of the person concerned is in dispute.

Article XI. The Contracting Parties reserve the right to refuse admission to their territory to persons holding the recognized seafarers' identity documents whom they regard as undesirable.

Article XII. 1. The judicial authorities of one Contracting Party shall entertain civil proceedings arising out of disputes between the master and any crew member of a ship of the other Contracting Party concerning wages or a contract of service only at the request or with the consent of the consular officer of the ship's flag State.

2. The administrative and judicial authorities of one Contracting Party shall intervene in the event of offences committed on board a ship of the other Contracting Party while it is in a port of the first Party only in one of the following cases:

- (a) if the request for intervention is made by the consular official or with his consent;
- (b) if the offence or its consequences are such as to disturb the peace and public order in the territory or in the port or to endanger public safety;
- (c) if a person who is not a crew member is involved.

3. The provisions of this article shall not affect the rights of the local authorities in all matters relating to the application of customs and health laws and regulations, or of other measures of control relating to the safety of ships and ports, the protection of human life, the security of cargoes and the admission of aliens.

Article XIII. 1. If a ship of one Contracting Party is wrecked, runs aground or sustains any other damage along the coast of the other Party, the ship and cargo, master, crew and passengers shall receive, at all times, the same aid and assistance as ships flying the flag of the other Party in the same conditions. The provisions of this article shall not prejudice salvage claims relative to any aid or assistance given to the ship, its passengers, crew and cargo.

2. A ship which has been damaged, its cargo and the materials on board shall be exempt from customs and other import duties unless they are used locally or delivered for consumption in the territory of the other Contracting Party.

3. The provisions of the preceding paragraph shall not be interpreted as excluding the application of the laws and regulations of the Contracting Parties pertaining to the storage of goods.

Article XIV. 1. For the application of the provisions of this Agreement, the Contracting Parties agree:

- (a) to hold consultations and exchange information through their competent bodies in relation to various aspects of maritime trade;
- (b) to encourage contacts at the highest level between official representatives of those services or competent bodies, and also contacts between representatives of interested business circles.

2. The two Contracting Parties shall, on a basis of reciprocity and mutual advantage, settle the various problems which may arise in the execution of this Agreement, particularly concerning:

- (a) the levels of activity of the two flags in maritime transport covered by this Agreement;
- (b) the tariff conditions and other conditions governing this activity;
- (c) the harmonization of this activity with a view to achieving a balance in the exchanges of maritime transport services between the two Parties.

3. To this end, a Joint Commission composed of representatives appointed respectively by the competent authorities of the two Parties shall be established and shall meet periodically.

Article XV. 1. Each Contracting Party shall notify the other Party of the completion of the procedures required under its Constitution for the entry into force of this Agreement, which shall enter into force on the first day of the first month following the date of the last notification.

2. This Agreement shall remain in force until one of the Contracting Parties denounces it with six months' notice.

IN WITNESS WHEREOF the undersigned, duly authorized by their respective Governments, have signed this Agreement in duplicate in the Portuguese and French languages, both texts being equally authentic.

DONE at Paris on 24 October 1975.

For the Government of the Federative Republic of Brazil:
ANTONIO F. AZEREDO DA SILVEIRA

For the Government of the French Republic:
JEAN SAUVAGNARGUES