

N° 4770.

ÉTATS-UNIS D'AMÉRIQUE ET VENEZUELA

Echange de notes constituant un *modus vivendi* commercial entre les deux pays, avec annexes et accord définitif ; Caracas, le 6 novembre 1939, et échange de notes y relatif de la même date.

Textes officiels anglais et espagnol communiqués par l'envoyé extraordinaire et ministre plénipotentiaire des Etats-Unis d'Amérique à Berne. L'enregistrement a eu lieu le 24 mars 1941.

UNITED STATES OF AMERICA AND VENEZUELA

Exchange of Notes constituting a Commercial *Modus Vivendi* between the Two Countries, with Annexes and Final Agreement ; Caracas, November 6th, 1939, and Exchange of Notes relating thereto of the Same Date.

English and Spanish official texts communicated by the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Berne. The registration took place March 24th, 1941.

No. 4770. — EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED STATES OF VENEZUELA CONSTITUTING A COMMERCIAL *MODUS VIVENDI*. CARACAS, NOVEMBER 6TH, 1939.

Nº 4770. — CANJE DE NOTAS ENTRE EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA Y EL GOBIERNO DE LOS ESTADOS UNIDOS DE VENEZUELA ESTABLECIENDO UN ACUERDO PROVISIONAL DE COMERCIO. CARACAS, 6 DE NOVIEMBRE DE 1939.

I.

EMBASSY OF THE UNITED STATES OF AMERICA.

No. 43.

EXCELLENCY,

CARACAS, *November 6th, 1939.*

The undersigned, being duly empowered thereto by the President of the United States of America, has the honor to confirm and make of record by this note the following *modus vivendi* which has been entered into by our respective Governments for the purpose of regulating the commercial relations between the two countries, pending the entry into force of the Trade Agreement between the United States of America and the United States of Venezuela signed this day :

Article I.

Articles the growth, produce or manufacture of the United States of America, enumerated and described in Schedule I annexed to this Agreement and made a part thereof, shall, on their importation into the United States of Venezuela, be exempt from ordinary Customs duties in excess of those set forth in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of Venezuela in force on the day of the signature of this Agreement.

Article II.

Articles the growth, produce or manufacture of the United States of Venezuela, enumerated and described in Schedule II annexed to this Agreement and made a part thereof, shall, on their importation into the United States of America, be exempt from ordinary Customs duties in excess of those set forth and provided for in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

Article III.

The provisions of Articles I and II of this Agreement shall not prevent the Governments of the Contracting Parties from imposing at any time on the importation of any article a charge

equivalent to an internal tax imposed in respect of a like domestic article or in respect of a commodity from which the imported article has been manufactured or produced in whole or in part.

Article IV.

The United States of America and the United States of Venezuela agree that the notes included in Schedules I and II are hereby given force and effect as integral parts of this Agreement.

Article V.

Articles the growth, produce or manufacture of the United States of America or the United States of Venezuela shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national or foreign origin.

The provisions of this Article relating to national treatment shall not apply to taxes imposed by the United States of Venezuela on cigarettes, but cigarettes originating in the United States of America shall, after importation into the United States of Venezuela, be exempt from all internal taxes, fees, charges or exactions other or higher than those in effect on the day of the signature of this Agreement.

The provisions of this Article shall not apply to alcoholic beverages.

Article VI.

Articles the growth, produce or manufacture of the United States of America enumerated and described in Schedule I and articles the growth, produce or manufacture of the United States of Venezuela enumerated and described in Schedule II shall be permitted to be imported into the territory of the other country without quantitative restrictions. Nevertheless, should the Government of one of the Contracting Parties find it necessary because of special circumstances to establish a quantitative restriction on any such article, it shall notify the other Government. If agreement between the two Governments regarding the restriction is not reached, such other Government may terminate this Agreement on thirty days' written notice. No quantitative restriction established under this Article by the Government of either of the Contracting Parties shall be applicable for a period of thirty days after the public notice of such restriction to imports the invoices for which have been certified prior to the date of such public notice by a consular officer of the Government establishing the restriction.

Article VII.

In the event the Government of the United States of America or the Government of the United States of Venezuela regulates imports of any article in which the other country has an interest either as regards the total amount permitted to be imported or as regards the amount permitted to be imported at a specified rate of duty, the Government taking such action shall establish in advance, and give public notice of, the total amount permitted to be imported from all countries during any specified period, which shall not be shorter than three months, and of any increase or decrease in such amount during the period, and if shares are allocated to countries of export, the share allocated to the other country shall be based upon the proportion of the total imports of such article from all foreign countries supplied by the other country in a previous representative period, account being taken in so far as practicable in appropriate cases of any special factors which may have affected or may be affecting the trade in that article.

Article VIII.

In the event that the Government of the United States of America or the Government of the United States of Venezuela establishes or maintains a monopoly for the importation, pro-

duction or sale of a particular commodity or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell a particular commodity, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases of such monopoly or agency the commerce of the other country shall receive fair and equitable treatment.

Article IX.

In the event that the Government of the United States of America or the Government of the United States of Venezuela establishes or maintains, directly or indirectly, any form of control of the means of international payment, it shall, in the administration of such control :

(a) Impose no restrictions or delays on the transfer of payment for any imported article the growth, produce or manufacture of the other country, or on the transfer of payments necessary for or incidental to the importation of such article, greater or more onerous than those imposed on the transfer of payment for the importation of any article from any third country.

(b) Accord unconditionally, with respect to rates of exchange and taxes or surcharges on exchange transactions in connection with payments for or payments necessary and incidental to the importation of any article the growth, produce or manufacture of the other country, and with respect to all rules and formalities relative thereto, treatment no less favorable than that accorded in connection with the importation of any article whatsoever the growth, produce or manufacture of any third country.

In the event that the Government of either country shall make representations concerning the application by the Government of the other country of the provisions of this Article, the Government of such other country shall give sympathetic consideration to such representations, and if, within thirty days after the receipt of such representations, a satisfactory adjustment has not been made or an agreement has not been reached with respect to such representations, the Government making them may, within fifteen days after the expiration of the aforesaid period of thirty days, terminate this Agreement in its entirety on thirty days' written notice.

Article X.

With respect to Customs duties or charges of any kind imposed on or in connection with importation or exportation, and with respect to the method of levying such duties or charges, and with respect to all rules and formalities in connection with importation or exportation, and with respect to all laws or regulations affecting the sale, taxation or use of imported goods within the country, any advantage, favor, privilege or immunity which has been or may hereafter be granted by the United States of America or the United States of Venezuela to any article originating in or destined for any third country shall be granted immediately and unconditionally to the like article originating in or destined for the United States of Venezuela or the United States of America, respectively.

Neither the United States of America nor the United States of Venezuela shall establish or maintain any import or export prohibition or restriction on any article originating in or destined for the territory of the other country which is not applied to the like article originating in or destined for any third country. Any abolition of an import or export prohibition or restriction which may be granted even temporarily by either country in favor of an article originating in or destined for a third country shall be applied immediately and unconditionally to the like article originating in or destined for the territory of the other country.

Article XI.

Laws, regulations of administrative authorities and decisions of administrative or judicial authorities of the United States of America and the United States of Venezuela pertaining to the classification of articles for Customs purposes or to rates of duty shall be published promptly in

such a manner as to enable traders to become acquainted with them. Such laws, regulations and decisions shall be applied uniformly at all ports of the respective country which are open to foreign commerce, except as otherwise specifically provided in laws, regulations, and administrative rulings of the United States of America and the United States of Venezuela.

Article XII.

In the event that the rate of exchange between the currencies of the United States of America and the United States of Venezuela varies considerably from the rate of exchange of the said currencies on the day of the signature of this Agreement, the Government of either Contracting Party, if it considers the change in rate so substantial as to prejudice the industry or commerce of the country, shall be free to propose negotiations for the modification of this Agreement or, upon thirty days' written notice to the Government of the other Contracting Party, to terminate this Agreement in its entirety.

Article XIII.

The Government of each of the Contracting Parties shall accord the most favorable treatment permitted by law in regard to penalties applicable in the case of errors in the documentation for importation of articles the growth, produce or manufacture of the other country, when the nature of the infraction leaves no doubt with respect to good faith or when the errors are evidently clerical in origin.

The Government of each of the Contracting Parties shall accord sympathetic consideration to the representations which the Government of the other country may make with respect to the operation of Customs regulations and quantitative restrictions on imports, the observance of Customs formalities and the application of sanitary laws and regulations for the protection of human, animal or plant life or health. If there should be disagreement with respect to the application of said sanitary laws and regulations there shall be established, upon the request of either of the Contracting Parties, a committee of experts on which both Governments shall be represented. The committee, after considering the matter, shall submit its report to both Governments.

Article XIV.

The provisions of this Agreement relating to the treatment to be accorded by the United States of America and the United States of Venezuela, respectively, to the commerce of the other country shall apply, on the part of the United States of America, to the continental territory of the United States of America and such of its territories and possessions as are included in its Customs territory. The provisions of this Agreement relating to most-favored-nation treatment shall apply to all territories under the sovereignty or authority of the United States of America, other than the Panama Canal Zone.

Article XV.

The provisions of this Agreement do not extend to:

(a) The advantages now accorded or which may hereafter be accorded by the United States of America or the United States of Venezuela to adjacent countries in order to facilitate frontier traffic, or advantages resulting from a Customs union to which either the United States of America or the United States of Venezuela may become a party so long as such advantages are not extended to any other country;

(b) The advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba, irrespective of any change in the political status of any of the territories or possessions of the United States of America.

The Government of the United States of Venezuela reserves the right to apply, with respect to articles imported into the United States of Venezuela from the Antilles not included in the Customs territory of the United States of America, the special surtax applicable to such articles under existing Venezuelan law.

Article XVI.

Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either country against the other country in favor of any third country, and without prejudice to the provisions of the second paragraph of Article XIII, the provisions of this Agreement shall not extend to prohibitions or restrictions (1) imposed on moral or humanitarian grounds ; (2) designed to protect human, animal or plant life or health ; (3) relating to prison-made goods ; (4) relating to the enforcement of police or revenue laws.

Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the importation or exportation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and in exceptional circumstances, all other military supplies ; and nothing in this Agreement shall prevent the adoption or enforcement of measures relating to neutrality.

Article XVII.

In the event that the Government of the United States of America or the Government of the United States of Venezuela adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any object of the Agreement, the Government which has adopted any such measure shall consider such representations and proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter.

Article XVIII.

All differences between the High Contracting Parties relative to the interpretation or execution of this Agreement shall be decided by pacific means recognized in International Law, in conformity with treaties and conventions in force between the Parties.

Article XIX.

The present Agreement shall enter into force on December 16th, 1939, and shall supplant the *modus vivendi* between the United States of America and the United States of Venezuela effected by exchange of notes signed May 12th, 1938, and extended by exchange of notes dated May 9th, 1939, and, subject to the provisions of Articles VI, IX and XII, shall continue in force for a period of one year. It may be extended, upon the expiration of the aforementioned period of one year or upon the expiration of any extension, for further periods of six months. This *modus vivendi* shall terminate upon the entry into force of the Trade Agreement between the United States of America and the United States of Venezuela signed this day.

Accept, Excellency, the renewed assurances of my highest consideration.

Frank P. CORRIGAN.

His Excellency Dr. E. Gil Borges,
Minister for Foreign Affairs,
Caracas, Venezuela.

SCHEDULE I.

NOTE. — The provisions of this Schedule will be interpreted as though they had been included in the current Venezuelan tariff law by an amendment to that law.

Venezuelan Customs Tariff Number	Description of Article	Rate of Import Duty per kilogram
3-D	Salmon, canned	B ^a . 0.90
3-E	Sardines, canned, in oil (except olive oil), in sauce or in their own juice	» 0.28
3-F	Shellfish, canned	» 1.50
4	Hog lard	» 0.90
7	Bacon	» 1.20
9	Prepared milk, including evaporated, condensed, dried skimmed and dried whole milk	» 0.50
13-B	Apples, pears and grapes, fresh	» 0.75
14-C	Dried fruits, not specified, including raisins, prunes, apricots, peaches, apples, pears and mixed fruits	» 0.90
15-A	Fruits, canned or bottled, in their own juice	» 0.90
15-B	Fruits, canned or bottled, in syrup	» 1.00
22-B	Oats, crushed or rolled	» 0.20
27-A	Wheat flour	» 0.24
27-C	Oat flour	» 0.40
36-A	Hams	» 1.20
36-B	Pork sausages	» 1.20
36-C	Canned pork	» 1.20
36-C	Vegetables, soups, sauces and relishes, canned or bottled	» 0.80
37-B	Special foods for children and for dietary uses, including malted milk and similar milk base preparations not containing cacao or containing not more than 10 per centum of cacao, and also including those with fruit or vegetable bases	» 0.30
37-C	Special foods for children and for dietary uses containing more than 10 per centum but not more than 15 per centum of cacao	» 0.70
39	Sweets, bon-bons and candies of any kind, including chocolate confectionery	» 4.50
44	Crackers and biscuits, unsweetened	» 1.20
57	Sterilized fruit juices	» 0.40
99-E	Corsets, elastic garments, garters and similar articles (of cotton)	» 15.00
143-A	Hosiery of pure silk or mixtures	» 40.00
143-C	Corsets, elastic garments, garters and similar articles (of pure silk or mixtures)	» 15.00
224-F	Rubber patches for repairing tires and tubes and emergency repair kits consisting of patches, cement and buffer	» 0.75
229	Cigarettes	» 12.00
230-B	Sawn timber and rough lumber, measuring 25 centimeters or less in thickness at both ends, including pitch pine, Ponderosa pine, sugar pine, Douglas fir, spruce, hemlock, redwood (Sequoia), cedar and Southern cypress	» 0.15
243	Writing paper, not lined	» 0.90
298-J	Iron or steel sheets, galvanized	» 0.20
298-L	Tinplate in sheets	» 0.08
319-D	Metal filing cabinets	» 0.40
319-E	Beds of ordinary metals, with or without spring mattresses	» 1.00
319-E	Furniture of ordinary metals, not specified	» 1.40
320-A	Automobile truck and bus chassis, without bodies, but including chassis with cabs	» 0.09
321-A	Passenger automobiles with bodies, not exceeding 800 kilograms in weight	» 0.55
321-B	Passenger automobiles with bodies whose weight exceeds 800 kg. and is not more than 1400 kg.	» 0.60
321-C	Passenger automobiles with bodies whose weight exceeds 1400 kg. and is not more than 1600 kg.	» 0.80

Venezuelan Customs Tariff Number	Description of Article	Rate of Import Duty per kilogram
321-D	Passenger automobiles with bodies whose weight exceeds 1600 kg. and is not more than 1700 kg.	B ^a . 1.00
321-E	Passenger automobiles with bodies whose weight exceeds 1700 kg. and is not more than 2000 kg.	» 1.40
321-F	Passenger automobiles with bodies whose weight exceeds 2000 kg.	» 1.60
322-A	Wheels for rubber tires	» 1.00
322-B	Rubber tires	» 1.00
322-C	Inner tubes	» 1.00
322-D	Spring seats	» 1.00
322-E	Boxes (trunks) for automobiles	» 1.00
322-F	Automobile tops	» 1.00
322-G	Fenders	» 1.00
322-H	Spare tire holders	» 1.00
322-K	Not specified	» 1.00
330-A	Radio receiving sets, phonographs, weighing up to 10 kg. net each	» 2.00
330-B	Radio receiving sets, phonographs, weighing more than 10 kg. net each up to 25 kg.	» 3.00
330-C	Radio receiving sets, phonographs, weighing more than 25 kg. net each up to 50 kg.	» 4.00
330-D	Radio receiving sets, phonographs, weighing more than 50 kg.	» 5.00
330-E	Accessories for radio receiving sets, including tubes or valves for the same.	» 0.40
332-A	Motion picture film, silent and sound, unprinted	» 2.00
332-B	Motion picture film, silent and sound, printed	» 2.60
333-A	Refrigerators, weighing up to 100 kg. net each	» 0.40
333-B	Refrigerators, weighing more than 100 kg. up to 250 kg. net each	» 0.50
333-C	Refrigerators, weighing more than 250 kg. up to 500 kg. net each	» 0.60
333-D	Refrigerators, weighing more than 500 kg. net each	» 0.40
338-A	Sewing machines	» 0.20
342-B	Lanterns, wick and pressure types	» 0.80
344	Typewriters and accessories, including parts, cases, covers and stands.	» 1.00
345	Calculating machines, including electric ones.	» 2.00
346	Cash registers.	» 2.00
348	Internal combustion engines	» 0.08
349	Spark plugs	» 1.20
356	Parts for agricultural machinery and implements :	
-A	Weighing not more than 1 kg. net each	» 1.00
-B	More than 1 kg. up to 5 kg. net each	» 0.50
-C	More than 5 kg. up to 10 kg. net each	» 0.35
-D	More than 10 kg. up to 30 kg. net each	» 0.30
-E	More than 30 kg. up to 50 kg. net each	» 0.25
-F	More than 50 kg. up to 100 kg. net each	» 0.20
-G	More than 100 kg. up to 500 kg. net each	» 0.15
-H	More than 500 kg. up to 1000 kg. net each	» 0.10
-I	More than 1000 kg. net each	» 0.05
357	Pharmaceutical specialties, not specified.	» 1.95
358-C	Absorbent and antiseptic or medicinal cotton	» 2.00
358-D	Pharmaceutical products, not specified	» 1.95
<p>NOTE to items 357 and 358-D above : The Venezuelan Government agrees that it will not impose any certification requirement or any formality for the importation, registration, licensing or sale of pharmaceutical specialties, patent medicines and pharmaceutical products which would be impossible of fulfilment in the United States of America because of the lack of a duly authorized federal agency.</p>		
359	Dentifrices	» 2.00
364-A	Chewing gum	» 2.00
367-B	Toilet soap, including shaving soap in any form	» 4.00
370	Varnishes and lacquers	» 0.80

Venezuelan Customs Tariff Number	Description of Article	Rate of Import Duty per kilogram
371-A	Ready mixed paints in oil, liquid	B ^s . 0.50
371-B	Paints for varnishing and enamelling	» 1.20
382-C	Industrial preparations for polishing or cleaning	» 0.60
382-H	Industrial preparations for coloring or shining footwear	» 1.20
394-E	Sporting goods, not specified	» 0.08
405	Electric batteries (except storage batteries) and parts	» 0.20
406	Storage batteries and parts	» 0.50
422	Transmission belting	» 1.20
424	Pharmaceutical articles, not specified	» 2.00
442	Toilet paper	» Free
451	Tractors, wheel and tracklaying types.	Free
472	Lumber of white pine, pitch pine and Douglas fir, sawn, measuring more than 25 centimeters in thickness at both ends.	Free

SCHEDULE II.

NOTE : The provisions of this Schedule shall be construed and given the same effect, and the application of collateral provisions of the Customs laws of the United States to the provisions of this Schedule shall be determined, insofar as may be practicable, as if each provision of this Schedule appeared respectively in the statutory provision noted in the column at the left of the respective descriptions of articles.

In the case of any article enumerated in this Schedule, which is subject on the day of the signature of this Agreement to any additional or separate ordinary Customs duty, whether or not imposed under the statutory provision noted in the column at the left of the respective description of the article, such separate or additional duty shall continue in force, subject to any reduction indicated in this Schedule or hereafter provided for, until terminated in accordance with law, but shall not be increased.

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
35	Barbasco or cube root, natural and uncompounded, but advanced in value or condition by grinding beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, whether or not otherwise advanced, and not containing alcohol	5 % <i>ad val.</i>
92	Tonka beans	12½% per lb.
754	Orchid plants	15 % <i>ad val.</i>
1653	Cocoa or cacao beans, and shells thereof	Free
1654	Coffee, except coffee imported into Puerto Rico and upon which a duty is imposed under the authority of section 319	Free
1670	Dyeing or tanning materials : Divi-divi, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, and not containing alcohol	Free
1685	Manures	Free
1697	Gutta balata, crude	Free
1722	Barbasco or cube root, crude or unmanufactured, not specially provided for	Free
1733	Oils, mineral : Petroleum, crude, and fuel oil derived from petroleum	Free
1765	Reptile skins, raw	Free
1803 (2)	Boxwood in the log	Free

Internal Revenue Code Section	Description of Article	Rate of Import Tax
3422	Crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil <i>Provided</i> , That such petroleum and fuel oil entered, or withdrawn from warehouse, for consumption in any calendar year in excess of 5 per centum of the total quantity of crude petroleum processed in refineries in continental United States during the preceding calendar year, as ascertained by the Secretary of the Interior of the United States, shall not be entitled to a reduction in tax by virtue of this item, but the rate of import tax thereon shall not exceed	½¢ per gal. ½¢ per gal.
3451	Crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil ; any of the foregoing sold for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on vessels of war of the United States or of any foreign nation, or vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions, under regulations prescribed with the approval of the Secretary of the Treasury	Exempt from taxes imposed by Secs. 3420 and 3422 of the Internal Revenue Code

II.

TEXTE ESPAGNOL. — SPANISH TEXT.

ESTADOS UNIDOS DE VENEZUELA.

MINISTERIO DE RELACIONES EXTERIORES.

DIRECCION DE POLITICA ECONOMICA.

SECCIÓN DE ECONOMÍA.

Nº 5182-E.

SEÑOR EMBAJADOR,

CARACAS, 6 de noviembre de 1939.

El infrascrito, debidamente autorizado por el Presidente de los Estados Unidos de Venezuela, tiene a honra dejar constancia y confirmar por la presente nota que, mientras entre en vigor el tratado de reciprocidad comercial concluido en esta fecha entre los Estados Unidos de Venezuela y los Estados Unidos de América, los dos Gobiernos han convenido en regular sus relaciones comerciales por el siguiente modus vivendi :

Artículo I.

Los artículos cosechados, producidos o manufacturados en los Estados Unidos de América, enumerados y descritos en la Lista Nº I anexa a este Convenio, del cual forma parte, no pagarán al ser importados en los Estados Unidos de Venezuela derechos ordinarios de importación en las aduanas que excedan de los especificados en dicha Lista. Tales artículos estarán asimismo exentos del pago de cualquier otro derecho, impuesto, contribución, carga o exacción establecidos sobre

TEXTE ESPAGNOL. — SPANISH TEXT.

DEFINITIVE AGREEMENT¹

SIGNED AT CARACAS, NOVEMBER 6TH, 1939.

THE PRESIDENT OF THE UNITED STATES OF AMERICA, and the PRESIDENT OF THE UNITED STATES OF VENEZUELA, being desirous of strengthening the traditional bonds of friendship between the two countries, of maintaining the principle of equality of treatment in their commercial relations, and of promoting such relations by granting reciprocal concessions and advantages, have agreed to conclude a reciprocal trade agreement, and have designated for this purpose as their Plenipotentiaries :

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

His Excellency Frank P. CORRIGAN, Ambassador Extraordinary and Plenipotentiary of the United States of America to Venezuela ;

THE PRESIDENT OF THE UNITED STATES OF VENEZUELA :

His Excellency Doctor Esteban Gil BORGES, Minister of Foreign Relations of the United States of Venezuela ;

Who, having exchanged their full powers, found to be in good and due form, have agreed upon the following Articles :

(Articles I to XVIII, inclusive, as in the *Modus Vivendi*.)

Article XIX.

The present Agreement shall be proclaimed by the President of the United States of America and shall be ratified by the Government of the United States of Venezuela in conformity with the laws of the respective countries. It shall enter into full force thirty days after the exchange of the proclamation and the instrument of ratification, which shall take place in the

¹ The proclamation by the President of the United States of America and the ratification by the Government of Venezuela were exchanged at Washington, November 14th, 1940.

ACUERDO DEFINITIVO¹

FIRMADO EN CARACAS, EL 6 DE NOVIEMBRE DE 1939.

EL PRESIDENTE DE LOS ESTADOS UNIDOS DE VENEZUELA y EL PRESIDENTE DE LOS ESTADOS UNIDOS DE AMÉRICA, deseosos de estrechar los vínculos tradicionales de amistad entre los dos países, de mantener en sus relaciones comerciales el principio de igualdad de tratamiento y fomentarlas por medio de mutuas concesiones y ventajas, han acordado celebrar un Convenio de reciprocidad comercial, y con este fin han designado como sus Plenipotenciarios :

EL PRESIDENTE DE LOS ESTADOS UNIDOS DE VENEZUELA :

a Su Excelencia el Doctor Esteban Gil BORGES, Ministro de Relaciones Exteriores de los Estados Unidos de Venezuela;

EL PRESIDENTE DE LOS ESTADOS UNIDOS DE AMÉRICA :

a Su Excelencia Frank P. CORRIGAN, Embajador Extraordinario y Plenipotentiario de los Estados Unidos de América en Venezuela ;

Quienes después de haber canjeado sus plenos poderes y de haberlos hallado en buena y debida forma han convenido en los Artículos siguientes :

(Artículos I a XVIII inclusive como en el *Modus Vivendi*.)

Artículo XIX.

El presente Convenio será ratificado por el Gobierno de los Estados Unidos de Venezuela y proclamado por el Presidente de los Estados Unidos de América de conformidad con las leyes de sus respectivos países. Entrará en vigor treinta días después del canje de los instrumentos de ratificación y de proclamación, que se efectuará en la ciudad de Washington

¹ La proclamation du Président des Etats-Unis d'Amérique et la ratification du Gouvernement du Venezuela ont été échangées à Washington, le 14 novembre 1940.

City of Washington as soon as possible, and shall continue in force until December 15th, 1942, unless terminated in accordance with the provisions of Articles VI, IX or XII.

Unless at least six months before December 15th, 1942, the Government of either country shall have given to the other Government written notice of intention to terminate this Agreement on that date, the Agreement shall remain in force thereafter, subject to the provisions of Articles VI, IX and XII, until six months from such time as the Government of either country shall have given such notice to the other Government.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

Done in duplicate, in the English and Spanish languages, both authentic, at the City of Caracas, this sixth day of November, nineteen hundred and thirty-nine.

For the President of the
United States of America :
(Seal) Frank P. CORRIGAN.

For the President of the
United States of Venezuela :
(Seal) E. Gil BORGES.

(Schedules I and II as in the Modus Vivendi).

tan pronto como fuere posible, y permanecerá en vigor hasta el 15 de diciembre de 1942 a menos que cesaren sus efectos de conformidad con lo previsto en los Artículos VI, IX o XII.

Si por lo menos seis meses antes del 15 de diciembre de 1942 el Gobierno de cualquiera de los dos países no notificare al otro por escrito su intención de terminar el presente Convenio en la fecha mencionada, el Convenio continuará en vigor en lo sucesivo, sujeto a las provisiones de los Artículos VI, IX y XII hasta seis meses después que uno de los dos Gobiernos hubiere dado tal aviso al otro Gobierno.

En fé de lo cual los respectivos Plenipotenciarios han firmado este Convenio y le han puesto sus sellos.

Hecho en duplicado, en los idiomas español e inglés, siendo ambos textos auténticos, en la Ciudad de Caracas, a los seis días del mes de noviembre de mil novecientos treinta y nueve.

Por el Presidente de los
Estados Unidos de Venezuela,
(Sello) E. Gil BORGES.

Por el Presidente de los
Estados Unidos de América,
(Sello) Frank P. CORRIGAN.

(Listas I y II como en el Modus Vivendi.)

EXCHANGE OF NOTES. — CANJE DE NOTAS.

I.

EMBASSY OF THE UNITED STATES OF AMERICA.

No. 44.

EXCELLENCY,

CARACAS, November 6th, 1939.

I have the honor to inform Your Excellency that it is the understanding of my Government that Article XVIII of the Trade Agreement signed today does not in any manner supplement or modify the provisions of treaties and conventions in force between the United States of America and the United States of Venezuela.

Accept, Excellency, the renewed assurances of my highest consideration.

Frank P. CORRIGAN.

His Excellency Dr. E. Gil Borges,
Minister for Foreign Affairs,
Caracas, Venezuela.

II.

TEXTE ESPAGNOL. — SPANISH TEXT.

ESTADOS UNIDOS DE VENEZUELA.
 MINISTERIO DE RELACIONES EXTERIORES.
 DIRECCION DE POLITICA ECONOMICA.
 SECCIÓN DE ECONOMÍA.
 Nº 5183-E.

CARACAS, 6 de noviembre de 1939.

SEÑOR EMBAJADOR,

Tengo el honor de informar a Vuestra Excelencia que mi Gobierno entiende que el Artículo XVIII del Tratado de Comercio firmado hoy, en ninguna forma suplementa o modifica las disposiciones de los Tratados y Convenios en vigor entre los Estados Unidos de Venezuela y los Estados Unidos de América.

Válgome de la ocasión para renovar a Vuestra Excelencia las seguridades de mi más alta consideración.

E. Gil BORGES.

Al Excelentísimo
 Señor Frank P. Corrigan,
 Embajador Extraordinario
 y Plenipotenciario de
 los Estados Unidos de América
 en Venezuela,
 Presente.

Certified to be true and complete textual copies of the original agreement and of notes exchanged in connection therewith in all the languages in which they were signed.

For the Secretary of State of the
 United States of America :

Edward Yardley,
Director of Personnel.

II.

¹ TRADUCTION. — TRANSLATION.

UNITED STATES OF VENEZUELA.
 MINISTRY OF FOREIGN RELATIONS.
 BUREAU OF ECONOMIC POLICY.
 ECONOMICS SECTION.
 No. 5183-E.

CARACAS, November 6th, 1939.

MR. AMBASSADOR,

I have the honor to inform Your Excellency that my Government understands that Article XVIII of the Treaty of Commerce signed today in no wise supplements or modifies the provisions of the Treaties and Conventions in effect between the United States of Venezuela and the United States of America.

I avail myself of the occasion to renew to Your Excellency the assurances of my highest consideration.

E. Gil BORGES.

His Excellency
 Frank P. Corrigan,
 Ambassador Extraordinary
 and Plenipotentiary
 of the United States
 of America in Venezuela,
 City.

¹ Traduction du Gouvernement des Etats-Unis d'Amérique.¹ Translation of the Government of the United States of America.