

No. 2312

**UNITED STATES OF AMERICA
and
CHILE**

Exchange of notes constituting an agreement relating to exemption of consular officers from customs duties and related taxes. Washington, 12 March, 16 April and 12 May 1952

Official text: English.

Registered by the United States of America on 22 October 1953.

**ÉTATS-UNIS D'AMÉRIQUE
et
CHILI**

Échange de notes constituant un accord exonérant les agents consulaires du paiement des droits de douane et taxes connexes. Washington, 12 mars, 16 avril et 12 mai 1952

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 22 octobre 1953.

No. 2312. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CHILE RELATING TO EXEMPTION OF CONSULAR OFFICERS FROM CUSTOMS DUTIES AND RELATED TAXES. WASHINGTON, 12 MARCH, 16 APRIL AND 12 MAY 1952

I

The Secretary of State to the Chilean Ambassador

DEPARTMENT OF STATE

WASHINGTON

March 12 1952

Excellency :

I have the honor to refer to conversations between representatives of the Chilean Embassy and the Department of State looking toward the formulation of a reciprocal agreement which would accord Chilean consular officers in the United States and American consular officers in Chile more liberal exemptions from customs duties and related taxes which they do not presently enjoy.

In this regard, the Government of the United States is prepared to conclude an agreement with the Government of Chile by an exchange of notes providing, on the basis of reciprocity, that all American and Chilean consular officers, as well as the members of their families living with them, who are nationals of the sending State and not engaged in any other occupation for gain in the country of the other, shall be exempted from the payment of customs duties and internal revenue taxes upon articles imported from abroad or withdrawn from customs bonded warehouses for their personal or official use on first arrival in the receiving State, upon return from leave of absence spent abroad, and at any time during official residence, provided the importation of such articles is not prohibited respectively by the laws of the United States and Chile.

¹ Came into force on 12 May 1952 by the exchange of the said notes.

If the foregoing is agreeable to the Government of Chile, my Government will consider this note and your reply note concurring therein as concluding an agreement between our respective Governments on this subject.

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

For the Secretary of State :
Edward G. MILLER, Jr.

His Excellency Señor Félix Nieto del Río
Ambassador of Chile

II

The Chilean Ambassador to the Secretary of State

EMBAJADA DE CHILE
WASHINGTON

Nº 599-87

16 April 1952

Excellency :

I have the honor to acknowledge receipt of Your Excellency's communication of March 12, 1952 with reference to conversations between representatives of the Department of State and the Chilean Embassy concerning the formulation of a reciprocal agreement which would accord United States Consular officers in Chile and Chilean Consular officers in the United States more liberal exemptions from customs duties and related taxes which they do not presently enjoy.

Your Excellency informed me that the Government of the United States was prepared to conclude an agreement with the Government of Chile by an exchange of notes, providing, on the basis of reciprocity, that all Chilean and United States consular officers, as well as the members of their families living with them, who are nationals of the sending State and not engaged in any other occupation for gain in the country of the other, shall be exempted from the payment of customs duties and internal revenue taxes upon articles imported from abroad or withdrawn from customs bonded warehouses for their personal or official use on first arrival in the receiving State, upon return from leave of absence spent abroad, and at any time during official residence, provided the importation of such article is not prohibited respectively by the laws of the United States and Chile.

I beg leave to advise Your Excellency that the Government of Chile is empowered to enter into agreements which conform to Section 1901 of the

Chilean Tariff Code, which provides that articles imported by diplomatic and consular officers free of duty, be limited to specified annual amounts representing duty exemptions. This provision reads as follows : (translation)

“ Articles for Chiefs of Mission, (Ambassadors, Envoys Extraordinary and Ministers Plenipotentiary, Ministers Resident, and Chargé d’Affaires), their Counselors, Secretaries, Military, Naval, Aeronautical and Commercial Attachés and Consuls, accredited near the Government of Chile, when these articles come from ports of origin for the account of such officers and for their use and consumption, and represent in duties an amount not to exceed seventy-thousand pesos during the first year and twelve thousand in subsequent years for the Chiefs of Mission, and thirty thousand during the first year and six-thousand in subsequent years for the personnel of the Embassies and Legations (Counselors, Secretaries and Military, Naval, Aeronautical and Commercial Attachés and Consuls). This free entry it is understood will be granted only in the case that reciprocity exists on the part of the nation represented by the Chief of Mission and that the favored functionary is not a Chilean, and does not, in addition to his official duties, engage in commerce or industrial activities, etc. of any kind”. (The peso mentioned above is the Chilean Gold Peso of 0.183057 grammes fine gold.)

The Government of Chile desires that the exemption herein agreed upon shall include customs duties and internal revenue or other taxes, whether imposed by the receiving state, or by any state, province, municipality, or other local political subdivision thereof, at the time of importation or withdrawal from warehouse of the articles intended for the personal or official use of the herein described consular officers and members of their families living with them.

The Government of Chile desires, also, that this agreement with the Government of the United States should provide that United States Consular officers in Chile and Chilean Consular officers in the United States, who are nationals of the sending State, and not engaged in any other occupation for gain in the country of the other, shall be exempt from the payment of personal taxes on, and registration fees for the issuance of license plates for, automobiles owned by them. It should be noted that in Chile a small charge is made, equivalent to the actual cost, for the special license plates issued to consular officers.

Therefore, the Government of Chile, within the limitations noted above, is agreeable to the conclusion of an agreement with the Government of the United States providing for reciprocal treatment of their respective consular officers with respect to exemption from custom duties and related internal revenue taxes, or other taxes indicated above, and from the payment of personal automobile taxes and registration fees, while on duty in the receiving State, and should the foregoing be agreeable to the Government of the United States,

my Government will consider this note, Your Excellency's reply note concurring therein, and Your Excellency's note of March 12, 1952, as concluding an agreement between our respective Governments on this subject.

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

F. NIETO DEL RÍO

His Excellency Dean G. Acheson
The Secretary of State
Washington 25, D.C.

III

The Secretary of State to the Chilean Ambassador

DEPARTMENT OF STATE
WASHINGTON

May 12 1952

Excellency :

I have the honor to refer to your note no. 599-87 of April 16, 1952 regarding free importation privileges and exemption from the payment of automobile registration fees for American and Chilean consular officers of career and the members of their families stationed in the territory of the other country.

The United States Government agrees with the understandings set forth in your note regarding free importation privileges, and considers its note of March 12, 1952, your reply of April 16, 1952, and this note as concluding an agreement between our two Governments on this subject, which shall remain in effect until terminated by either Government.

This Government, however, cannot include the matter of exemption from automobile taxes and registration fees for consular officers in the various states in a binding reciprocal agreement of less stature than a consular convention, since these matters are within the exclusive jurisdiction of the sovereign states of the Union; but, in view of the fact that the Chilean Government is presently according similar exemptions to American career consular officers stationed in Chile, this Government will be pleased to intercede with the various states to

obtain such exemptions in any case where the local officials have declined to exempt consular officers from the taxes and fees in question.

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

For the Secretary of State :
Edward G. MILLER, Jr.

His Excellency Señor Félix Nieto del Río
Ambassador of Chile