

**No. 3200**

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**CANADA  
and  
COSTA RICA**

**Exchange of notes constituting a Commercial *Modus Vivendi*.  
San José, 17 and 18 November 1950**

*Official texts: English and Spanish.*

*Registered by Canada on 27 March 1956.*

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**CANADA  
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**Échange de notes constituant un *modus vivendi* commercial.  
San-José, 17 et 18 novembre 1950**

*Textes officiels anglais et espagnol.*

*Enregistré par le Canada le 27 mars 1956.*

No. 3200. EXCHANGE OF NOTES CONSTITUTING A COMMERCIAL *MODUS VIVENDI*<sup>1</sup> BETWEEN CANADA AND COSTA RICA. SAN JOSÉ, 17 AND 18 NOVEMBER 1950

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I

*The Chief of the Canadian Trade Delegation to the Minister of Foreign Relations of Costa Rica*

San José, Costa Rica, November 17, 1950

Mr. Minister :

I have the honour to inform Your Excellency that the Government of Canada, desiring to strengthen the traditional bonds of friendship and the good commercial relations which unite Canada and Costa Rica, has authorized me to propose to the Government of Costa Rica, through Your Excellency, the following Commercial *Modus Vivendi* :

*Article I*

a) The Government of Canada and the Government of Costa Rica agree to grant each other, reciprocally, unconditional and unrestricted most-favoured-nation treatment in all matters referring to duties and other charges of every kind on importation or exportation established in their respective jurisdictions, and as regards the method of levying such duties, and further, as regards the rules and formalities connected with importation or exportation, and with respect to all laws and regulations affecting the taxation, sale, distribution or use of imported goods within the country.

b) Accordingly, articles the growth, produce or manufacture of either country imported into the other shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like articles from any other foreign country are or may hereafter be subject.

c) Similarly, articles exported from Canada or Costa Rica and consigned to the other country shall in no case be subject, with respect to exportation and in regard to the above-mentioned matters, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like articles when consigned to any other foreign country are or may hereafter be subject.

d) Any advantage, favour, privilege or immunity which has been or may hereafter be granted by Canada or Costa Rica in regard to the above-mentioned matters, to any article originating in any other foreign country or consigned to any other foreign country shall be accorded immediately and without compensation to the like article originating in or consigned to Canada or Costa Rica respectively.

*Article II*

The present Agreement shall be applied only to merchandise transported from a port of Costa Rica to a port of Canada directly or in transit through a country which enjoys

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<sup>1</sup> Came into force on 26 January 1951, in accordance with the provisions of the said notes.

the benefits of the British Preferential Tariff or the Most-Favoured-Nation Tariff of Canada and likewise to merchandise transported from a port of Canada to a port of Costa Rica, directly or in transit through countries indicated above.

#### *Article III*

Each of the Contracting Parties shall accord to the other treatment no less favourable than that accorded to any other foreign country in all matters relating to the concession of foreign exchange for commercial transactions and to the assignment of quotas for the quantitative control of imports and exchange.

#### *Article IV*

The provisions of this Agreement relating to most-favoured-nation treatment are not applicable to :

- a) advantages that have been accorded or may in future be accorded by Canada or by Costa Rica exclusively to contiguous countries to facilitate frontier traffic, or to advantages accorded solely to members of any future Customs Unions in which Canada or Costa Rica may take part.
- b) advantages that have been accorded or may in future be accorded by Canada exclusively to members of the British Commonwealth of Nations, including their dependent overseas territories, or to the Republic of Ireland.

#### *Article V*

Provided that, under like circumstances and conditions, there shall be no arbitrary discrimination on the part of either country in favour of any other foreign nation, and without prejudice to the provisions of paragraphs (a) and (b) of Article VII, the provisions of this Agreement shall not be applicable to prohibitions or restrictions relating :

- (a) to public security ;
- (b) to the protection of public health or on moral or humanitarian grounds ;
- (c) to the protection of animal or vegetable life or health, including any measures of protection against diseases, degeneration or extinction, as well as measures taken against harmful seeds, plants or animals ;
- (d) to articles made in prisons ;
- (e) to the enforcement of police laws or regulations ;
- (f) to the protection of the national artistic, historic or archaeological heritage ;
- (g) to the import or export of gold or silver ; or
- (h) to the control of the import or export or sale for export of arms, munitions, or instruments of war and, in exceptional circumstances, of any other military supplies.

#### *Article VI*

Articles the growth, produce or manufacture of Canada or Costa Rica 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 any other foreign origin.

#### *Article VII*

(a) In the event that the Government of either country ceases to grant most-favoured-nation treatment to a third country through which merchandise proceeding from Canada

to Costa Rica, or vice versa, moves in transit, or 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 as tending to nullify or impair any of its objects, the Government which has adopted such a measure shall consider such representations and proposals as the other Government may make and shall afford adequate opportunity for consultation with a view to reaching a mutually satisfactory agreement.

(b) The Government of each country shall accord friendly consideration to such representations as the other Government may make with respect to the operation of customs regulations, control of foreign exchange, quantitative restrictions or the administration thereof, the observance of customs formalities, the application of sanitary laws and regulations for the protection of human, animal or plant health or life, or any other matter related to the application of this Agreement. Each Government, when requested, shall afford adequate opportunity for consultation regarding such representations.

(c) If agreement is not reached after due consultation, as described above, either Government shall be at liberty to denounce this Agreement in whole or in part and the termination shall take effect upon the expiration of a period of three months reckoned from the day on which written notice of such denunciation is received by the other Government.

#### Article VIII

The present Commercial *Modus Vivendi* shall remain in effect for one year, and thereafter subject to denunciation by either Government at any time on three months' prior notice to the other Government.

This Note, together with the favourable reply of Your Excellency, shall constitute a Commercial *Modus Vivendi* between Canada and Costa Rica which shall go into effect as soon as it has been approved by the Legislative Assembly of the Republic of Costa Rica and has been published in the Official Gazette of Costa Rica.

I take this opportunity of expression to Your Excellency the assurance of my highest and most distinguished consideration.

Harry Leslie BROWN

## II

*The Minister of Foreign Relations of Costa Rica to the Chief of the Canadian Trade Delegation*

[SPANISH TEXT — TEXTE ESPAGNOL]

REPÚBLICA DE COSTA RICA  
MINISTERIO DE RELACIONES EXTERIORES

MODUS VIVENDI ENTRE COSTA RICA Y CANADÁ

Oída la gestión de la Comisión Comercial Canadiense, debidamente autorizada por su Gobierno, y movidas por el deseo de incrementar lo más posible el comercio