

No. 5126

**UNITED STATES OF AMERICA
and
VENEZUELA**

**Exchange of notes constituting an agreement relating to
free-entry privileges. Caracas, 7 and 17 April 1959**

Official texts: English and Spanish.

Registered by the United States of America on 6 May 1960.

**ÉTATS-UNIS D'AMÉRIQUE
et
VENEZUELA**

**Échange de notes constituant un accord relatif à l'octroi de
privilèges d'importation en franchise au personnel
diplomatique et consulaire. Caracas, 7 et 17 avril 1959**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 6 mai 1960.

No. 5126. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND VENEZUELA RELATING TO FREE-ENTRY PRIVILEGES. CARACAS, 7 AND 17 APRIL 1959

I

The Venezuelan Ministry of Foreign Affairs to the American Embassy

[SPANISH TEXT — TEXTE ESPAGNOL]

REPÚBLICA DE VENEZUELA
MINISTERIO DE RELACIONES EXTERIORES
Dirección de Política Internacional

No. 00745

El Ministerio de Relaciones Exteriores saluda atentamente a la Honorable Embajada de los Estados Unidos de América en la oportunidad de referirse al Memorándum de fecha 13 de noviembre de 1958, por medio del cual esa Embajada hizo el planteamiento de la situación creada con motivo de la aplicación del Artículo 123, aparte *c*) de la Ley de Aduanas promulgada el 11 de junio de 1957, para entrar en vigor el día 1º de enero de 1958, que dice textualmente :

* *Artículo 123.* Previo el cumplimiento de los requisitos legales, se concederán la exoneración de los impuestos de importación causados por la introducción de los siguientes efectos :

c) los destinados al uso y consumo personal de los funcionarios diplomáticos acreditados ante el Gobierno Nacional, o al uso oficial y

[TRANSLATION² — TRADUCTION³]

REPUBLIC OF VENEZUELA
MINISTRY OF FOREIGN AFFAIRS
International Policy Division

No. 00745

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and refers to the memorandum dated November 13, 1958,⁴ in which the Embassy described the situation created by the application of Article 123, paragraph (*c*), of the Customs Law promulgated on June 11, 1957 and put into force on January 1, 1958, which reads as follows :

“ *Article 123.* Subject to fulfillment of the legal requirements, exemption shall be granted from import duties imposed on the entry of the following effects :

“ (*c*) Those intended for the personal use or consumption of diplomatic officers accredited to the National Government, or for the official

¹ Came into force on 17 April 1959 by the exchange of the said notes.

² Translation by the Government of the United States of America.

³ Traduction du Gouvernement des États-Unis d'Amérique.

⁴ Not printed by the Department of State of the United States of America.

consumo de la Misión, siempre que los diplomáticos venezolanos gocen de igual beneficio en el respectivo país. »

El Ministerio de Relaciones Exteriores ha dado muy cuidadosa atención a los razonamientos expuestos en el Memorándum de la referencia, y muy especialmente por la circunstancia señalada allí en cuanto a la existencia de un acuerdo verbal que data del 8 de junio de 1955, el cual formalizó una práctica de mutua concesión establecida entre los Gobiernos de Venezuela y de los Estados Unidos de América con bastante anterioridad.

Tanto la Ley de Aduanas vigente, como el Reglamento de Aduanas número 2, que regula el procedimiento legal a seguir en materia de exenciones, son explícitos; pero, con base en los antecedentes de recíproco tratamiento, y, tomando en cuenta las dificultades surgidas en la estricta aplicación de la Ley, que se traducirían en mutuos inconvenientes para los empleados de las Embajadas en ambos países cuyos nombres no aparezcan en las Listas Diplomáticas respectivas, y para los empleados de los Consulados de las dos naciones, el Gobierno de Venezuela, en el deseo de cooperar en la solución de dicho problema, conviene, a título de estricta reciprocidad, en conceder, por una sola vez y en la oportunidad de su primera llegada a Venezuela, la exoneración de los impuestos de importación sobre el equipaje con efectos personales, acompañado o no; los enseres domésticos y un automóvil, a todos los empleados de la Embajada de los Estados Unidos de América que no aparezcan en la

use or consumption of the Mission, provided Venezuelan diplomatic officers enjoy the same privilege in the other country. ”

The Ministry of Foreign Affairs has given very careful consideration to the points set forth in the memorandum in reference, particularly because of the mention therein of the existence of a verbal agreement, dating from June 8, 1955, which formalized a practice of mutual concession previously established between the Governments of Venezuela and the United States of America.

Both the Customs Law in force and Customs Regulation No. 2 governing the legal procedure to be followed in the matter of exemptions are explicit. However, on the basis of the precedents of reciprocal treatment and in view of the difficulties that have arisen in connection with the strict application of the Law, which would cause mutual inconvenience to the employees of the Embassies in the two countries whose names do not appear on their diplomatic lists, and to the employees of the Consulates of the two nations, the Government of Venezuela, desiring to cooperate in solving this problem, agrees, subject to strict reciprocity, to grant for one time only on the occasion of their first arrival in Venezuela, exemption from import duties on baggage containing personal effects, whether accompanied or not, household effects, and one automobile to all employees of the Embassy of the United States of America whose names do not appear on the diplomatic list of Venezuela and to all employees of

Lista Diplomática de Venezuela y a todos los empleados de los Consulados de los Estados Unidos de América en el país, quienes sean en cada caso, nacionales de los Estados Unidos de América, que no ejerzan ninguna otra labor lucrativa en Venezuela y que no residan normalmente en el país, previa solicitud escrita emanada de la Embajada, que contenga las especificaciones pertinentes y en la que se haga mención de la fecha del presente convenio.

Considera así el Ministerio de Relaciones Exteriores haber encontrado una fórmula que concilia, bajo una base de estricta reciprocidad, lo establecido anteriormente por una práctica de mutua concesión.

Espera esta Cancillería que la respuesta a la presente nota significará la entrada en vigencia de este acuerdo verbal, lo cual sería comunicado al Ministerio de Hacienda y a la Embajada de Venezuela en los Estados Unidos de América para su plena aplicación.

El Ministerio de Relaciones Exteriores hace propicia la ocasión para renovar a la Honorable Embajada de los Estados Unidos de América las seguridades de su más alta y distinguida consideración.

Caracas, 7 de abril de 1959

(*Rubricado*) [ilegible]

the Consulates of the United States of America in this country who are in each case nationals of the United States of America, who do not engage in other remunerative work in Venezuela, and who do not normally reside in this country, upon a written request from the Embassy containing the pertinent details and mentioning the date of the present agreement.

Thus the Ministry of Foreign Affairs believes that it has found a formula which, on a basis of strict reciprocity, is compatible with what was previously established by a practice of mutual concession.

This Foreign Office hopes that the reply to the present note will signify the entry into force of this verbal agreement, which would be communicated to the Ministry of Finance and to the Embassy of Venezuela in the United States of America for its full application.

The Ministry of Foreign Affairs avails itself of the opportunity to renew to the Embassy of the United States of America the assurances of its highest and most distinguished consideration.

Caracas, April 7, 1959

(*Initialed*) [ilegible]

II

The American Embassy to the Venezuelan Ministry of Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

No. 249

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Venezuela, and has the honor to reply to the Ministry's note no. 745 of April 7, 1959, the receipt of which was acknowledged by the Embassy's note no. 245 of April 10, 1959.¹

The Embassy understands that the proposal contained in the Ministry's note no. 745 would permit for one time only on the occasion of their first arrival in Venezuela, exoneration from import duties of baggage containing personal effects, whether accompanied or not, of household effects and of one automobile, for all those employees of the Embassy of the United States of America whose names do not appear on the diplomatic list of Venezuela. The same exoneration would be granted to all those employees of the Consulates of the United States of America in this country, who are in each case nationals of the United States of America, who do not engage in other remunerative work in Venezuela, and who do not normally reside in this country.

It is also understood that in each instance the Embassy would make a written request to the Ministry of Foreign Affairs for such exoneration, such request to contain the pertinent facts in the case and refer to the date of the agreement. It is further understood that the agreement proposed in the Ministry's note will not prejudice the treatment afforded United States personnel whose names appear on the diplomatic list.

Assuming that the Embassy's understanding as reflected above is correct, the Embassy of the United States of America is pleased to accept the arrangements proposed in the Ministry's note no. 745. In accepting these arrangements, however, the Embassy wishes to inform the Ministry that the proposal does not in fact accord strict reciprocity. The Government of the United States not only extends free entry privileges to articles imported by all Venezuelan diplomatic and consular personnel assigned to the United States on their original entry, but also extends the same privilege for the duration of their assignments to duty in the United States.

The Embassy observes from the penultimate paragraph of the Ministry's note that the delivery of this note will signify the entrance into force of this verbal agreement. The Embassy is notifying the Department of State accordingly.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest and most distinguished consideration.

C. R. B.

Embassy of the United States of America
Caracas, April 17, 1959

¹ Not printed by the Department of State of the United States of America.