

No. 10778

**UNITED STATES OF AMERICA
and
HONDURAS**

Exchange of notes constituting an agreement relating to the importation into the United States, for consumption, of meat, during the calendar year 1970. Tegucigalpa, 30 April 1970

Authentic texts: English and Spanish.

Registered by the United States of America on 6 October 1970.

**ÉTATS-UNIS D'AMÉRIQUE
et
HONDURAS**

Échange de notes constituant un accord relatif à l'importation aux États-Unis, durant l'année civile 1970, de viande destinée à la consommation. Tegucigalpa, 30 avril 1970

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 6 octobre 1970.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
HONDURAS RELATING TO THE IMPORTATION INTO
THE UNITED STATES, FOR CONSUMPTION, OF MEAT,
DURING THE CALENDAR YEAR 1970

I

The American Ambassador to the Minister of Foreign Affairs of Honduras

Tegucigalpa, Honduras, April 30, 1970.

No. 056

Excellency:

I have the honor to refer to discussions between representatives of our two governments relating to the importation into the United States for consumption of fresh, chilled, or frozen cattle meat (item 106.10 of the Tariff Schedules of the United States) and fresh, chilled, or frozen meat of goats and sheep, except lambs (item 106.20 of the Tariff Schedules of the United States) during the calendar year 1970.

I am able to inform you that the governments of all countries which are major suppliers of such meats to the United States have agreed to participate in the 1970 restraint program discussed by our representatives. These agreements are being embodied in exchanges of notes between the Government of the United States of America and the governments of the respective countries.

I propose that the agreement between our two governments should provide as follows:

1. On the basis of the foregoing, and subject to paragraph 4, the permissible total quantity of imports of such meats into the United States during the calendar year 1970 shall be 1,061.5 million pounds and the Government of Honduras and the Government of the United States of America shall respectively undertake responsibilities as set forth below for regulating exports to, and imports into, the United States.

¹ Came into force on 30 April 1970, the date of the note in reply, in accordance with the provisions of the said notes.

2. Honduran exports of the aforesaid meat will be such that during the year 1970 imports of such meat into the United States, including meat originating in Honduras which is withdrawn from warehouse during 1970 for consumption in the United States, will amount to up to 14.7 million pounds or such higher figure as may result from adjustments pursuant to paragraph 4. Such regulation shall not prevent any excess meat of Honduran origin from being deposited in United States warehouses under the system known as "in bond" as long as adequate storage facilities are not available in Honduras.

3. The Government of the United States of America may limit imports of such meats of Honduran origin, whether by direct or indirect shipments, through issuance of regulations governing the entry into the United States, including withdrawal from warehouse for consumption in the United States, provided that,

a. such regulations shall not be employed to govern the timing of entry into the United States, including withdrawal from warehouse for consumption of such meat from Honduras;

b. such regulations shall be issued only after consultation with the Government of Honduras pursuant to paragraph 6, and only in circumstances where it is evident after such consultations that the quantity of such meat likely to be presented for entry into the United States, including withdrawal from warehouse for consumption in the calendar year 1970 will exceed the quantity specified in paragraph 2, as it may be increased pursuant to paragraph 4. The provisions of the last sentence of paragraph 2 will apply to the deposit of meat of Honduran origin in warehouse under the system "in bond".

4. The Government of the United States of America may increase the global quantity of imports of such meats into the United States or may allocate any shortfall in a share of the global quantity. Thereupon, if no shortfall is estimated for Honduras, such increase in global quantity or shortfall shall be allocated to Honduras in the proportion that 14.7 million pounds bears to the total initial shares from all countries which are estimated to have no shortfall for the calendar year 1970.

5. The Government of the United States of America shall separately report meats rejected as unfit for human consumption, and such meats will not be regarded as part of the quantity described in paragraph 2.

6. The Government of Honduras and the Government of the United States of America shall consult promptly upon the request of either government regarding any matter in involving the application, interpretation or implementation of this agreement, and regarding increase in the global quantity and allocation of shortfall.

I have the honor to propose that, if the foregoing is acceptable to the Government of Honduras, this note together with Your Excellency's confirmatory reply, shall constitute an agreement between our two governments which shall enter into force on the date of your reply.

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

HEWSON A. RYAN

His Excellency Dr. Tiburcio Carías Castillo
Minister of Foreign Affairs
Tegucigalpa, D.C.

II

[SPANISH TEXT — TEXTE ESPAGNOL]

[TRANSLATION¹ — TRADUCTION²]

SECRETARÍA DE RELACIONES
EXTERIORES DE LA
REPÚBLICA DE HONDURAS

DEPARTMENT OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HONDURAS

Sección Diplomática

Diplomatic Section

Tegucigalpa, D.C., abril 30 de 1970

Tegucigalpa, D.C., April 30, 1970

No.-770

No. 770

Señor Embajador :

Tengo el honor de referirme a las conversaciones que los representantes del Ministerio de Economía y Hacienda, en nombre del Gobierno de Honduras, y de la Embajada a su cargo, en nombre del Gobierno de los Estados Unidos, han sostenido en relación al sistema operativo que normará las exportaciones para los Estados Unidos, de carne fresca, refrigerada o congelada, de ganado vacuno (Rubro 106.10 del Arancel de los Estados Unidos) y carne fresca, refrigerada o congelada de ganado ovino caprino salvo corderos

Mr. Ambassador :

I have the honor to refer to the conversations held by representatives of the Ministry of Economy and Finance, in the name of the Government of Honduras, and of your Embassy, in the name of the Government of the United States, in relation to the system that will govern exports to the United States of fresh, chilled, or frozen cattle meat (Item 106.10 of the Tariff Schedules of the United States) and fresh, chilled, or frozen meat of goats and sheep, except lambs (Item 106.20 of the Tariff Schedules of the United States)

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.

(Rubro 106.20 del Arancel de los Estados Unidos) para el consumo en ese país durante el año civil de 1970; así como a su Nota No. 56 de fecha 30 de abril del año en curso.

Me permito informarle que el Ministerio de Economía y Hacienda está de acuerdo con las regulaciones discutidas y finalmente aprobadas por los representantes y que se incluyen en el siguiente acuerdo :

1. El Gobierno de los Estados Unidos de América y el Gobierno de Honduras asumirán respectivamente las obligaciones que se indican en esta nota para reglamentar las exportaciones e importaciones de carne fresca, refrigerada o congelada, de ganado vacuno (Rubro 106.10 del Arancel de los Estados Unidos de América) y carne fresca, refrigerada o congelada de ganado ovino y caprino, salvo de cordero (Rubro 106.20 del Arancel de los Estados Unidos de América) de Honduras hacia los Estados Unidos de América durante el año civil de 1970.

2. Honduras exportará a los Estados Unidos durante el año 1970 hasta la cantidad de 14.7 millones de libras de carne de origen hondureño, o la cantidad mayor que resulte de los ajustes realizados en virtud del párrafo 4. En esta cantidad se incluirá tanto la carne que ingrese a los Estados Unidos para su almacenamiento como la carne que retire de los almacenes para su consumo, en los Estados Unidos. Esta disposición no impedirá que el exceso de carne de origen hondureño se deposite en almacenes de los Estados Uni-

for consumption in your country during the calendar year 1970, and I refer also to your note No. 56 dated April 30, 1970.

I take the liberty of informing you that the Ministry of Economy and Finance agrees to the regulations discussed and finally approved by the representatives, as set forth in the following agreement :

1. The Government of the United States of America and the Government of Honduras shall respectively assume the obligation set forth in this note for regulating exports and imports of fresh, chilled, or frozen cattle meat (Item 106.10 of the Tariff Schedules of the United States) and fresh, chilled, or frozen meat of goats and sheep, except lambs (Item 106.20 of the Tariff Schedules of the United States), from Honduras to the United States of America during the calendar year 1970.

2. During the year 1970 Honduras will export to the United States up to the quantity of 14.7 million pounds of meat of Honduran origin or such higher quantity as may result from adjustments made pursuant to Paragraph 4. This quantity shall include both meat that enters the United States for warehousing and meat withdrawn from warehouse for consumption in the United States. This provision shall not prevent surplus meat of Honduran origin from being deposited in warehouses in the United States under the system known as "in

dos bajo la forma conocida « in bond », mientras en Honduras no se tengan las facilidades de almacenamiento adecuado.

3. El Gobierno de los Estados Unidos de América podrá limitar la importación de las carnes de origen hondureño comprendidas en el párrafo número 2, ya sea que se haga por vía directa o indirecta, por medio de una reglamentación para su entrada y almacenamiento o retiro del almacén para su consumo inmediato en los Estados Unidos siempre que :

A) Tal reglamentación no se emplee para determinar las fechas de entrada o salida del almacén de la carne procedente de Honduras para el consumo.

B) Tal reglamentación se promulgará solamente después de que se hayan celebrado consultas con el Gobierno de Honduras conforme al párrafo 6, y solamente bajo circunstancias en las que se vea obvio, después de celebrarse tales consultas, que la cantidad de tales carnes que probablemente se presentará para su ingreso y su almacenamiento o desalmacenamiento para el consumo en el año civil de 1970, excederá la cantidad que se especifica en el párrafo 2 o la cantidad mayor que resulte después de hacer los aumentos virtud del párrafo 4. Las condiciones establecidas en la última oración del párrafo 2 se aplicarán al depósito de la carne de origen hondureño en almacén bajo el sistema « in bond ».

4. El Gobierno de los Estados Unidos de América podrá aumentar la cantidad global de importaciones de tales carnes a los Estados Unidos o podrá adjudicar cualquier déficit en una parte de la cantidad global. Seguidamente, si

bond”, as long as there are no adequate warehouse facilities in Honduras.

3. The Government of the United States of America may limit the imports of meat of Honduran origin referred to in Paragraph 2, either directly or indirectly, by means of regulations governing their entry and warehousing or withdrawal from warehouse for immediate consumption in the United States, provided that:

A. Such regulations are not employed to determine the dates of entry or withdrawal from warehouse of meat of Honduran origin for consumption; and

B. Such regulations are issued only after consultations have been held with the Government of Honduras pursuant to Paragraph 6, and only in circumstances where it is evident, after such consultations have been held, that the quantity of such meat that will probably be presented for entry and warehousing or withdrawal from warehouse for consumption in the calendar year 1970 will exceed the quantity specified in Paragraph 2 or the larger quantity that may result after making the increases pursuant to Paragraph 4. The conditions determined in the last sentence of Paragraph 2 shall apply to the deposit of meat of Honduran origin in warehouse under the “in bond” system.

4. The Government of the United States of America may increase the global quantity of imports of such meats to the United States or may allocate any shortfall in a share of the global quantity. Thereupon, if Honduras has covered the

Honduras ha cubierto la cantidad exportable de 14.7 millones de libras establecidas en el párrafo 2 ó si los cálculos o las proyecciones de la exportación de carne procedente de Honduras para el año 1970 revelan que no ocurrirá déficit en la cantidad establecida en el párrafo 2, tal aumento en la cantidad global o déficit será adjudicado a Honduras en la proporción que 14.7 millones de libras tiene con el total de participaciones iniciales de todos los países que se calcula no tendrán déficit en el año civil de 1970.

5. El Gobierno de los Estados Unidos de América rendirá informes, por separado, acerca de las carnes rechazadas por no ser aptas para el consumo humano, estas carnes no se considerarán como parte de la cantidad que se indica en el párrafo 2.

6. El Gobierno de Honduras y el Gobierno de los Estados Unidos de América celebrarán consultas lo antes posible después de que uno de los dos gobiernos las solicite, en relación con cualquier asunto sobre la aplicación, interpretación o puesta en práctica del presente acuerdo, y sobre aumentos de la cantidad global y adjudicación del déficit.

My government considers necessary to make known to the Government of the United States that the above Agreement in no way signifies that Honduras accepts as its basic quota of participation in the United States market for cattle meat. Our Government has repeatedly stated to Your Excellency's Govern-

exportable quantity of 14.7 million pounds stipulated in Paragraph 2, or if the estimates or projections of meat exports from Honduras for the year 1970 show that there will be no shortfall in the quantity established in Paragraph 2, such increase in the global quantity or shortfall shall be allocated to Honduras in the proportion that 14.7 million pounds bears to the total initial shares of all the countries which are estimated to have no shortfall in the calendar year 1970.

5. The Government of the United States shall separately report meats rejected as unfit for human consumption. Such meats shall not be regarded as part of the quantity indicated in Paragraph 2.

6. The Government of Honduras and the Government of the United States of America shall consult as promptly as possible upon the request of one of the two Governments regarding any matter involving the application, interpretation, or implementation of this Agreement, and regarding increases in the global quantity and allocation of shortfall.

My Government deems it necessary to make known to the Government of the United States that the above Agreement in no way signifies that Honduras accepts the figure contained in the Agreement as its basic quota of participation in the United States market for cattle meat. Our Government has repeatedly stated to Your Excellency's Govern-

bierno de Vuestra Excelencia que la cuota básica que se asignó a Honduras no está de acuerdo a la capacidad real productora de carne exportable que nuestro país tiene y que ampliamente demostró durante el año 1969 en que la exportación hacia los Estados Unidos alcanzaron la cifra 24.8 millones de libras y se permite solicitar atentamente al Gobierno de los Estados Unidos se estudie el caso particular de Honduras a fin de podernos otorgar un trato justo y realista.

Nuestro Gobierno desea hacer del conocimiento del Gobierno de los Estados Unidos, que el acuerdo a que se ha llegado sobre las normas operativas para la importación de carne a dicho país no limita el derecho de Honduras a presentar y estudiar en el seno de la Comisión Especial de Negociación y Consulta del CIES el caso de la exportación de ganado vacuno hacia los Estados Unidos.

Asimismo, nuestro Gobierno cree conveniente informar al Gobierno de los Estados Unidos que considera que el sistema de asignación de déficit, y del período histórico de exportación escogido para aplicar eventualmente el sistema de cuotas afectan negativamente la posición ya desfavorable de nuestro país en cuanto al monto de la cuota básica, pues no toman en cuenta las exportaciones reales efectuadas durante 1969.

ment that the basic quota allocated to Honduras is not in accord with our country's real capacity to produce exportable meat, a capacity which it amply demonstrated during the year 1969, when its exports to the United States reached 24.8 million pounds, and my Government respectfully requests the Government of the United States to study the particular case of Honduras, with a view to giving us fair and realistic treatment.

Our Government wishes to make known to the Government of the United States that the Agreement reached on the rules to govern imports of meat into the United States does not limit the right of Honduras to put before and study in the Special Committee on Negotiation and Consultation of the Inter-American Economic and Social Council the case of exports of cattle to the United States.

Our Government also believes it desirable to inform the Government of the United States that it considers that the system of allocating shortfalls and the period of past exports selected for the application of the quota system negatively affect our country's already unfavorable position with respect to the amount of the basic quota, since they do not take into account the real exports of 1969.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia el testimonio de mi más alta y distinguida consideración.

[Signed — Signé]

TIBURCIO CARÍAS CASTILLO
Ministro de Relaciones Exteriores

Excelentísimo Señor
Hewson A. Ryan, Embajador
Extraordinario y Plenipotenciario
de los Estados Unidos de América
Ciudad

I avail myself of the opportunity to renew Your Excellency the assurances of my highest and most distinguished consideration.

[Signed]

TIBURCIO CARÍAS CASTILLO
Minister of Foreign Affairs

His Excellency Hewson A. Ryan
Ambassador Extraordinary
and Plenipotentiary
of the United States of America
Tegucigalpa, Honduras