

No. 11972

**UNITED STATES OF AMERICA
and
MEXICO**

Exchange of notes constituting an agreement relating to the importation from Mexico into the United States of frozen strawberries, and strawberry paste and pulp during the calendar year 1972. Mexico City and Tlatelolco, 28 February 1972

Authentic texts : English and Spanish.

Registered by the United States of America on 26 September 1972.

**ÉTATS-UNIS D'AMÉRIQUE
et
MEXIQUE**

Échange de notes constituant un accord relatif à l'importation du Mexique aux États-Unis de fraises congelées, de pâte et pulpe de fraises durant l'année civile 1972. Mexico et Tlatelolco, 28 février 1972

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 26 septembre 1972.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
MEXICO RELATING TO THE IMPORTATION FROM
MEXICO INTO THE UNITED STATES OF FROZEN
STRAWBERRIES, AND STRAWBERRY PASTE AND
PULP DURING THE CALENDAR YEAR 1972

I

The American Ambassador to the Mexican Secretary of Foreign Relations
Mexico, D.F., February 28, 1972

No. 241

Excellency :

I have the honor to refer to discussions between representatives of our two Governments relating to the importation from Mexico into the United States of frozen strawberries, and strawberry paste and pulp during the calendar year 1972.

It is my understanding that these discussions have resulted in the following agreement :

1. The Government of Mexico shall limit exports of the commodities covered by this Agreement so that for the calendar year 1972, the total quantity of these commodities entered, or withdrawn from warehouse in the United States, for consumption, will not exceed 82 million pounds for frozen strawberries (TSUS item 146.7520), and strawberry paste and pulp (TSUS item 152.7420), combined.

2. The Government of the United States of America may limit imports of such commodities of Mexican origin during calendar year 1972 through issuance of regulations governing the entry, or withdrawal from warehouse, of such commodities for consumption, provided that such regulations shall not limit imports to less than the quantity specified in paragraph 1 of this Agreement and shall not be employed to govern the timing of entry, or withdrawal from warehouse, of such commodities for consumption.

3. The Government of the United States of America shall separately report commodities of the type covered by this agreement that are rejected as unacceptable for human consumption under United States inspection standards, and such rejected commodities shall not be regarded as part of the quantity described in paragraph 1.

4. The Government of the United States of America and the Government of Mexico shall consult promptly upon the request of either Government regarding any matter involving the application, interpretation, or implementation of this Agreement.

¹ Came into force on 28 February 1972, the date of the note in reply, in accordance with the provisions of the said notes.

5. To enable both Governments to follow progress under this Agreement :

- (A) The Government of the United States of America shall provide the Government of Mexico as soon as possible after the end of each month a statement of the quantity of commodities covered by this Agreement imported to that time, and
- (B) The Government of the United States of America and the Government of Mexico, at the request of either Government, shall exchange information regarding production and marketing of frozen strawberries and strawberry pulp and paste, including importation of such commodities from countries other than Mexico into the United States.

6. If the Government of Mexico considers that as a result of limitations specified in this Agreement, imports into the United States from Mexico are being placed in an inequitable position vis-a-vis imports from a third country, it may request consultations with the Government of the United States of America with a view to considering appropriate remedial action.

7. In the event of renewal of the present Agreement or conclusion of a new agreement extending for a further period a limit on exports from Mexico to the United States of the commodities covered by the present Agreement, the limit for such items shall not be less than the limit specified in paragraph 1 of this Agreement, provided that total consumption in the United States of frozen strawberries and strawberry paste and pulp during the calendar year 1972 was not less than such consumption during the immediately preceding twelve-month period.

8. The Government of Mexico reserves the right to terminate this Agreement upon ten days prior written notice in the event that :

- (A) The rates of duty applied by the United States of America on imports of frozen strawberries and strawberry paste and pulp from Mexico are increased above the rates in effect on the date of this Agreement, or
- (B) Non-tariff barriers are introduced that adversely affect importation into the United States of America of commodities covered by this Agreement. It is agreed that health and sanitary regulations of the United States of America are not considered to be non-tariff barriers.

If the foregoing conforms to the understanding of the Government of Mexico, this note and 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.

ROBERT H. MCBRIDE

His Excellency Licenciado Emilio O. Rabasa
Secretary of Foreign Relations
Tlatelolco, D.F.

[TRANSLATION¹ — TRADUCTION²]

The Mexican Secretary of Foreign Relations to the American Ambassador

UNITED MEXICAN STATES
MINISTRY OF FOREIGN RELATIONS
MEXICO

II-16

Tlatelolco, D.F., February 28, 1972

Mr. Ambassador :

I have the honor to acknowledge receipt of Your Excellency's note No. 241 of this date, the Spanish translation of which is as follows :

[*See note I*]

In reply, I am happy to inform you that my Government finds the foregoing acceptable and consequently agrees that your note transcribed above and this note shall constitute an agreement between the United Mexican States and the United States of America.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

E. O. RABASA

His Excellency Robert Henry McBride
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Tlatelolco

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

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.