

No. 12220

**UNITED STATES OF AMERICA
and
NICARAGUA**

**Exchange of notes constituting an agreement relating to
the importation into the United States, for consumption,
of meat, during the calendar year 1972. Managua, 14
March and 24 April 1972**

Authentic texts : English and Spanish.

Registered by the United States of America on 29 December 1972.

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

**Échange de notes constituant un accord relatif à l'importation
aux États-Unis, durant l'année civile 1972, de viande
destinée à la consommation. Managua, 14 mars et 24
avril 1972**

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 29 décembre 1972.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND NICA-
RAGUA RELATING TO THE IMPORTATION INTO THE
UNITED STATES, FOR CONSUMPTION, OF MEAT, DURING
THE CALENDAR YEAR 1972

I

EMBASSY OF THE UNITED STATES OF AMERICA

No. 16

Managua, March 14, 1972

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations of the Republic of Nicaragua and has 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 1972 and to the agreements between the United States and other countries, including Nicaragua constituting the 1971 restraint program concerning shipments of such meats to the United States. With the understanding that similar agreements also will be concluded for the calendar year 1972 with the governments of all of the countries that participated in the 1971 restraint program, the Embassy of the United States of America has the honor to propose the following agreement between our two governments:

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 1972 from countries participating in the restraint program shall be 1155 million pounds and the Government of Nicaragua 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.

2. The Government of Nicaragua shall limit exports of the aforementioned meats so that the quantity of such meats originating in Nicaragua and during the calendar year 1972 entered, or withdrawn from warehouse, for consumption in the United States does not exceed 44.8 million pounds or such higher figure as may result from adjustments pursuant to paragraph 4.

3. The Government of the United States of America may limit imports of such meats of Nicaraguan origin, whether by direct or indirect shipments, through issuance of regulations governing the entry, or withdrawal from warehouse, for consumption in the United States, provided that: (A) Such regulations shall not be employed to govern the timing of entry, or withdrawal from warehouse, for consumption of such meat from

¹ Came into force on 24 April 1972, the date of the note in reply, in accordance with the provisions of the said notes.

Nicaragua; and (B) Such regulations shall be issued only after consultation with the Government of Nicaragua 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, or withdrawal from warehouse for consumption, in the calendar year 1972 will exceed the quantity specified in paragraph 2, as it may be increased pursuant to paragraph 4.

4. The Government of the United States of America may increase the permissible total quantity of imports of such meats into the United States during the calendar year 1972 from countries participating in the restraint program or may allocate any estimated short-fall in a share of the restraint program quantity or in the initial estimates of imports from countries not participating in the restraint program. Thereupon, if no shortfall is estimated for Nicaragua, such increase or estimated shortfall shall be allocated to Nicaragua in the proportion that 44.8 million pounds bears to the total initial shares from all countries participating in the restraint program which are estimated to have no shortfall for the calendar year 1972. The foregoing allocation shall not apply to any increase in the estimate of imports from countries not participating in the 1972 restraint program.

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

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

7. In the event that quotas on imports of such meats should become necessary, the representative period used by the Government of the United States of America for calculation of the quota for Nicaragua shall not include the period between October 1, 1968 and December 31, 1972.

The Embassy of the United States of America has the honor to propose that, if the foregoing is acceptable to the Government of Nicaragua, this note together with the Government of Nicaragua's confirmatory reply constitute an agreement between our two Governments which shall enter into force on the date of your reply.

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

Managua, March 14, 1972

Embassy of the United States of America

II

[SPANISH TEXT — TEXTE ESPAGNOL]

REPÚBLICA DE NICARAGUA
AMÉRICA CENTRAL
MINISTERIO DE RELACIONES EXTERIORES
Secretaría General, Sección Diplomática

CME. No. 161

Managua, D. N., 24 de Abril de 1972

Señor Embajador :

Tengo el honor de dar aviso de recibo de la atenta nota de Vuestra Excelencia No. 16 del 14 de Marzo próximo pasado, por medio de la cual al referirse

relación con cualquier asunto sobre la aplicación, interpretación o puesta en práctica del presente acuerdo, y sobre aumentos de la cantidad total permitida conforme al Programa de Restricciones y la adjudicación del déficit.

«7. En el caso en que sea necesario implantar cuotas para las importaciones de tales carnes, el período representativo que el Gobierno de los Estados Unidos de América empleará para calcular la cuota de Nicaragua no incluirá el período entre el 1 de Octubre de 1968 y el 31 de Diciembre de 1972.

«La Embajada de los Estados Unidos de América tiene el honor de proponer que si lo anterior es aceptable al Gobierno de Nicaragua, la presente nota, junto con la nota de respuesta confirmatoria del Gobierno de Nicaragua, constituyan un acuerdo entre nuestros dos Gobiernos que entrará en vigor en la fecha de la respuesta de su Gobierno.»

En respuesta, me complace manifestar a Vuestra Excelencia que mi Gobierno acepta las cláusulas que traducidas al español se dejan transcritas, constituyendo la nota de Vuestra Excelencia y esta contestación un Acuerdo entre nuestros dos Gobiernos, que entrará en vigor a partir de esta fecha.

Aprovecho complacido esta oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración,

LORENZO GUERRERO

Excelentísimo Señor Turner B. Shelton

Embajador Extraordinario y Plenipotenciario de los Estados Unidos de América
Managua, D.N.

[TRANSLATION¹ — TRADUCTION²]

The Nicaraguan Minister of Foreign Relations to the American Ambassador

REPUBLIC OF NICARAGUA
CENTRAL AMERICA
MINISTRY OF FOREIGN AFFAIRS
General Secretariat, Diplomatic Section

CME No. 161

Managua, D.N., April 24, 1972

Mr. Ambassador :

I have the honor to acknowledge receipt of Your Excellency's courteous note No. 16 of March 14 last, referring to conversations 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 1972 and to the agreements between the United States and other countries, including Nicaragua constituting the 1971 restraint program concerning shipments of such meats to the United States.

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

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

With the understanding that similar agreements also will be concluded for the calendar year 1972 with the governments of all the countries that participated in the 1971 restraint program, proposes to my Government that an agreement be concluded by an exchange of notes in the following terms :

[See note 1]

In reply, I take pleasure in informing Your Excellency that my Government agrees to the terms that, translated into Spanish, are transcribed above, and Your Excellency's note and this reply constitute an agreement between our two Governments, which will enter into force on today's date.

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

LORENZO GUERRERO

His Excellency Turner B. Shelton
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Managua, Nicaragua
