

No. 15694

**UNITED STATES OF AMERICA
and
HAITI**

**Exchange of notes constituting an agreement relating to
trade in cotton, wool and man-made fiber textiles and
textile products (with annex). Port-au-Prince, 22 and
23 March 1976**

Authentic texts: English and French.

Registered by the United States of America on 19 May 1977.

**ÉTATS-UNIS D'AMÉRIQUE
et
HAÏTI**

**Échange de notes constituant un accord relatif au com-
merce des textiles de coton, de laine et de fibres
chimiques et aux produits textiles (avec annexe). Port-
au-Prince, 22 et 23 mars 1976**

Textes authentiques : anglais et français.

Enregistré par les États-Unis d'Amérique le 19 mai 1977.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND HAITI RELATING TO TRADE IN COTTON, WOOL AND MAN-MADE FIBER TEXTILES AND TEXTILE PRODUCTS

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD² ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET HAÏTI RELATIF AU COMMERCE DES TEXTILES DE COTON, DE LAINE ET DE FIBRES CHIMIQUES ET AUX PRODUITS TEXTILES

I

The American Ambassador to the Haitian Secretary of State for Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

PORT-AU-PRINCE

March 22, 1976

No. 62

Excellency:

I have the honor to refer to the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973,³ hereinafter referred to as the Arrangement. I also refer to recent discussions between representatives of our two Governments concerning exports of cotton, wool and man-made fiber textiles and textile products from Haiti to the United States. As a result of those discussions and with reference to Article 4, paragraph 3, and Article 6, paragraphs 1 and 6 of the Arrangement, I wish to propose the following agreement relating to trade in cotton, wool, and man-made fiber textiles and textile products between Haiti and the United States, to replace, effective January 1, 1976, the existing agreement of November 3, 1971,⁴ as amended,⁵ relating to trade in cotton textiles.

1. The term of this agreement shall be from January 1, 1976, through December 31, 1978.

2. For the first agreement year, constituting the twelve-month period beginning January 1, 1976, the aggregate limit (excluding wool) will be 61,000,000 square yards equivalent. Within the aggregate limit, 5,000,000 square yards equivalent shall be reserved for the export of indigenous Haitian cotton fabrics and Haitian textile products made from this fabric. The Government of Haiti will make every effort to utilize this provision as an incentive to promote the development of the indigenous Haitian textile industry. However, should conditions arise whereby this limit for indigenous Haitian cotton fabrics cannot be filled, the unused portion of that limit may be used in Group I categories except for categories in that Group having specific limits.

¹ Came into force on 23 March 1976 by the exchange of the said notes, with retroactive effect from 1 January 1976, in accordance with the provisions of the said notes.

² Entré en vigueur le 23 mars 1976 par l'échange desdites notes, avec effet rétroactif au 1^{er} janvier 1976, conformément aux dispositions desdites notes.

³ United Nations, *Treaty Series*, vol. 930, p. 166.

⁴ *Ibid.*, vol. 822, p. 205.

⁵ *Ibid.*, vol. 937, p. 361; vol. 953, p. 378, and vol. 966, p. 408.

3. Within the aggregate limit, the following group and specific limits shall apply for the first agreement year:

	<i>Limit</i> <i>(Square Yards Equivalent)</i>
<i>Group I:</i> Cotton textiles and apparel (Categories 01-64)	<u>14,000,000</u>
Indigenous Haitian fabric and products thereof	5,000,000
Other cotton textiles and apparel	9,000,000
<i>Specific Limits:</i>	
Category 39	1,000,000
Category 45/46/47	2,000,000
Category 63	2,000,000
<i>Group II:</i> Man-made fiber textiles and apparel (Categories 200-243)	<u>47,000,000</u>
<i>Specific Limits:</i>	
Category 219	4,750,000
Category 222	3,700,000
Category 224	4,600,000
Category 225	3,200,000
Category 228	3,700,000
Category 229	4,100,000
Category 233	4,100,000
Category 238	4,600,000
Category 239	3,700,000

4. The aggregate limit will be increased by 7 percent annually for the second and succeeding agreement years. Within that limit, all group and specific limits will be increased by 7 percent annually.

5. Within the aggregate limit, the group limits may be exceeded by not more than seven percent. This amount may be applied to categories except those for which a specific limit has been set.

6. (a) For the second and succeeding agreement years, exports may exceed by a maximum of eleven percent the aggregate limit and any specific limit by allocating to the limits for that year an unused portion of the applicable limit for the previous agreement year (carryover) or a portion of the applicable limit for the succeeding agreement year (carry forward).

- (i) carryover may be utilized as available up to eleven percent of the receiving year's applicable limits;
- (ii) carry forward may be utilized up to six percent of the receiving year's applicable limits and charged against the next year's applicable limits; carry forward may be utilized in the first agreement year;
- (iii) the combination of carryover and carry forward may not exceed eleven percent of the receiving year's applicable limits in any agreement year.

(b) For purposes of this Agreement, a shortfall occurs when exports from Haiti to the United States during an agreement year are below the aggregate limit provided in this Agreement. In the agreement year following the shortfall, exports from Haiti may be permitted to exceed the aggregate and specific limits in accordance with the provisions of subparagraph (a) of this paragraph by carryover of shortfalls in the following manner:

- (i) the carryover shall not exceed the amount of shortfall in either the aggregate limit or any applicable specific limit; and

- (ii) in the case of shortfalls in the categories (or combination of categories) subject to specific limits, the shortfalls shall be used in the same category (or combination of categories) in which the shortfall occurred; and
- (iii) in the case of shortfalls not attributable to categories (or combination of categories) subject to specific limits, the carryover shall be used in categories not given specific limits subject to the consultation provisions of paragraph 7.

(c) The limits referred to in subparagraphs (a) and (b) of this paragraph are without any adjustment under this paragraph.

(d) The total adjustment under this paragraph shall be in addition to the adjustments permitted by paragraphs 4 and 5 to the specific limits for any year.

7. Categories not given specific limits are subject to consultation levels and to the aggregate and group limits. In the event the Government of Haiti wishes to permit exports from Haiti to the United States in any category in excess of the applicable consultation level during any agreement year, the Government of Haiti will request consultations with the Government of the United States on this question and the Government of the United States will enter promptly into such consultations. Until agreement on a different level of exports is reached, the Government of Haiti shall limit exports from Haiti to the United States in the category in question to the applicable consultation level. The consultation level for each category not given a specific limit shall be 1,000,000 square yards equivalent in Categories 1-38, 64, 200-213, and 241-243; and 700,000 square yards equivalent in Categories 39-63 and 214-240. Notwithstanding the foregoing, the following annual consultation levels will apply:

<i>Category</i>	<i>Consultation Levels (Square Yards Equivalent)</i>
51	1,000,000
53	1,000,000
54	1,000,000
214	2,000,000
216	2,000,000
217	2,000,000
223	2,000,000
230	2,500,000
235	2,000,000
237	2,000,000

8. With regard to wool, the two Governments recognize that at present there is no significant trade in wool textile products from Haiti to the United States. However, should such trade develop during the term of this agreement, the two Governments agree to consult promptly. Pending the outcome of such consultations, the Government of Haiti agrees to limit its annual exports to the United States of wool textile products to 100,000 square yards equivalent for each wool category, unless otherwise agreed.

9. In accordance with Article 12, paragraph 3, of the Arrangement and subject to the establishment of a mutually agreed upon certification system, Haitian exports of handloom fabrics of the cottage industry, or hand-made cottage industry products made of such handloom fabrics, or traditional folklore handicraft textile products will not be subject to the provisions of this agreement.

10. The Government of the Republic of Haiti shall use its best efforts to space exports from Haiti to the United States within each category evenly throughout the agreement year, taking into consideration normal seasonal factors.

11. The Government of the United States of America shall promptly supply the Government of the Republic of Haiti with data on monthly imports of textiles from Haiti

and the Government of the Republic of Haiti shall promptly supply the Government of the United States of America with monthly data on exports of textiles to the United States. Each Government agrees to supply promptly any other pertinent and readily available statistical data requested by the other Government.

12. (a) In implementing this agreement, the system of categories and the rates of conversion into square yards equivalent listed in the Annex A hereto shall apply.

(b) Tops, yarns, piece goods, made-up articles, garments, and other textile manufactured products (being products which derive their chief characteristics from their textile components) of cotton, wool, man-made fibers, or blends thereof, in which any or all of those fibers in combination represent either the chief value of the fibers or 50 percent or more by weight (or 17 percent or more by weight of wool) of the product, are included.

(c) For purposes of this agreement, textile products shall be classified as cotton, wool or man-made fiber textiles if wholly or in chief value of either of these fibers. All other products described in subparagraph (b) of this paragraph shall be classified as:

- (i) Cotton textiles if containing 50 percent or more by weight of cotton, or if the cotton component exceeds by weight the wool and/or the man-made fiber component.
- (ii) Wool textiles if not cotton, and the wool equals or exceeds 17 percent by weight of all component fibers.
- (iii) Man-made fiber textiles if neither of the foregoing applies.

13. The Government of the Republic of Haiti and the Government of the United States of America agree to consult on any question arising in the implementation of this agreement. If the two Governments are unable to reach a mutually satisfactory solution within a reasonable period of time on problems which have been the subject of consultations under this agreement, either Government may, after notification to the other Government, refer such problems to the Textile Surveillance Body in accordance with Article 11 of the Arrangement Regarding International Trade in Textiles.

14. Mutually satisfactory administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of this agreement, including differences in points of procedure or operation.

15. If the Government of the Republic of Haiti considers that, as a result of a limitation specified in this agreement, Haiti is being placed in an inequitable position vis-à-vis a third country, the Government of the Republic of Haiti may request consultation with the Government of the United States of America with a view to taking appropriate remedial action such as reasonable modification of this agreement.

16. For the duration of this agreement, the Government of the United States of America shall not invoke the procedures of Article 3 of the Arrangement to request restraint on the export of textiles covered by this agreement from Haiti to the United States.

17. The Government of the United States of America may assist the Government of the Republic of Haiti in implementing the limitation provisions of this agreement by controlling imports of the textiles covered by this agreement.

18. Either Government may terminate this agreement effective at the end of any agreement year by written notice to the other Government to be given at least 90 days prior to the end of such agreement year. Either Government may at any time propose revisions in the terms of this agreement.

If the foregoing proposal is acceptable to the Government of the Republic of Haiti, this note and your note of confirmation on behalf of the Government of the Republic of Haiti shall constitute an agreement between the Government of the Republic of Haiti and the Government of the United States of America.

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

[Signed]

HEYWARD ISHAM
Ambassador

His Excellency Edner Brutus
Secretary of State for Foreign Affairs
Port-au-Prince

A N N E X A

<i>Category</i>	<i>Description</i>	<i>Unit</i>	<i>Conversion Factor</i>
1	Cotton yarn, singles, carded, not ornamented, etc.	lb.	4.6
2	Cotton yarn, plied, carded, not ornamented, etc.	lb.	4.6
3	Cotton yarn, singles, combed, not ornamented, etc.	lb.	4.6
4	Cotton yarn, plied, combed, not ornamented, etc.	lb.	4.6
5	Ginghams, carded yarn	syd.	1.0
6	Ginghams, combed yarn	syd.	1.0
7	Velveteens	syd.	1.0
8	Corduroy	syd.	1.0
9	Sheeting, carded yarn	syd.	1.0
10	Sheeting, combed yarn	syd.	1.0
11	Lawns, carded yarn	syd.	1.0
12	Lawns, combed yarn	syd.	1.0
13	Voiles, carded yarn	syd.	1.0
14	Voiles, combed yarn	syd.	1.0
15	Poplin and broadcloth, carded yarn	syd.	1.0
16	Poplin and broadcloth, combed yarn	syd.	1.0
17	Typewriter ribbon cloth	syd.	1.0
18	Print cloth, shirting type, 80 × 80 type, carded yarn ...	syd.	1.0
19	Print cloth, shirting type, other than 80 × 80 type, carded yarn	syd.	1.0
20	Shirting, carded yarn	syd.	1.0
21	Shirting, combed yarn	syd.	1.0
22	Twill and sateen, carded yarn	syd.	1.0
23	Twill and sateen, combed yarn	syd.	1.0
24	Yarn-dyed fabrics, n.e.s., carded yarn	syd.	1.0
25	Yarn-dyed fabrics, n.e.s., combed yarn	syd.	1.0
26	Fabrics, n.e.s., carded yarn	syd.	1.0
27	Fabrics, n.e.s., combed yarn	syd.	1.0
28	Pillowcases, plain, carded yarn	no.	1.084
29	Pillowcases, plain, combed yarn	no.	1.084
30	Dish towels	no.	.348
31	Towels, other than dish towels	no.	.348
32	Handkerchiefs	doz.	1.66
33	Table damasks and manufactures	lb.	3.17
34	Sheets, carded yarn	no.	6.2
35	Sheets, combed yarn	no.	6.2
36	Bedspreads, including quilts	no.	6.9
37	Braided and woven elastics	lb.	4.6
38	Fishing nets	lb.	4.6
39	Gloves and mittens	doz., pr.	3.527

<i>Category</i>	<i>Description</i>	<i>Unit</i>	<i>Conversion Factor</i>
40	Hose and half-hose	doz., pr.	4.6
41	Men's and boys' all-white T-shirts, knits or crocheted ..	doz.	7.234
42	Other T-shirts	doz.	7.234
43	Knitshirts, other than T-shirts and sweatshirts (including infants')	doz.	7.234
44	Sweaters and cardigans	doz.	36.8
45	Men's and boys' shirts, dress, not knit or crocheted ...	doz.	22.186
46	Men's and boys' shirts, sport, not knit or crocheted ...	doz.	24.457
47	Men's and boys' shirts, work, not knit or crocheted ...	doz.	22.186
48	Raincoats, 3/4 length or over	doz.	50.0
49	All other coats	doz.	32.5
50	Men's and boys' trousers, slacks and shorts, outer, whether or not in sets, not knit or crocheted	doz.	17.797
51	Women's, misses' and children's trousers, slacks and shorts, outer, whether or not in sets, not knit or crocheted	doz.	17.797
52	Blouses, whether or not in sets	doz.	14.53
53	Women's, misses', children's and infants' dresses (including nurses', and other uniform dresses), not knit or crocheted	doz.	45.3
54	Playsuits, sunsuits, washsuits, creepers, rompers, etc. (except blouses and shorts; blouses and trousers; or blouses, shorts and skirt sets)	doz.	25.0
55	Dressing gowns, including bathrobes and beachrobes, lounging gowns, dusters and housecoats, not knit or crocheted	doz.	51.0
56	Men's and boys' undershirts (not T-shirts)	doz.	9.2
57	Men's and boys' briefs and undershorts	doz.	11.25
58	Drawers, shorts and briefs (except men's and boys' briefs), knit or crocheted	doz.	5.0
59	All other underwear, not knit or crocheted	doz.	16.0
60	Nightwear and pajamas	doz.	51.96
61	Brassieres and other body-supporting garments	doz.	4.75
62	Other knitted or crocheted clothing	lb.	4.6
63	Other clothing, not knit or crocheted	lb.	4.6
64	All other cotton textile items	lb.	4.6
101	Wool tops and wool advanced	lb.	1.95
102	Yarns of Angora Rabbit hair	lb.	1.95
103	Other yarns of wool and hair	lb.	1.95
104	Woven fabrics of wool, including blankets (carriage robes, lap robes, steamer rugs, etc.) over 3 yards in length	syd.	1.0
105	Billiard cloth	syd.	1.0
106	Blankets	lb.	1.295
107	Carriage and auto robes, etc., n.e.s.	lb.	1.295
108	Tapestries and upholstery fabrics	syd.	1.0
109	Pile and tufted fabrics	syd.	1.0
110	Knit fabrics in the piece	lb.	1.95
111	Hosiery	dpr.	2.7814
112	Gloves and mittens	dpr.	2.093
113	Underwear, knit	lb.	1.95
114	Other infants' articles, knit, not ornamented	lb.	1.95
115	Knit hats and similar items	lb.	1.95
116	Knit wearing apparel, n.e.s., valued not over \$5 per pound	lb.	1.95

<i>Category</i>	<i>Description</i>	<i>Unit</i>	<i>Conversion Factor</i>
117	Knit wearing apparel, n.e.s., valued over \$5 per pound .	lb.	1.95
118	Hats, caps, not blocked	lb.	1.95
119	Hats, caps, blocked, finished	lb.	1.95
120	Men's and boys' suits	no.	4.5
121	Men's and boys' outer coats	no.	4.5
122	Women's, misses', and children's coats and suits	no.	4.75
123	Women's, misses, and children's separate skirts	no.	1.5
124	Trousers, slacks and shorts	no.	1.5
125	Articles of wearing apparel, n.e.s.	lb.	2.0
126	Lace and net articles, including veiling	lb.	1.95
128	Miscellaneous manufactures of wool	lb.	1.95
131	Braided floor coverings	sft.	0.11
132	Wool floor coverings, n.e.s.	sft.	0.11
200	Textured yarns	lb.	3.51
201	Yarn wholly of continuous filament, cellulosic	lb.	5.19
202	Yarn wholly of continuous filament, other	lb.	11.6
203	Yarn wholly of non-continuous filament, cellulosic	lb.	3.4
204	Yarn wholly of non-continuous filament, other	lb.	4.12
205	Yarns, other	lb.	3.51
206	Woven fabrics, cellulosic, wholly of continuous man-made fiber	syd.	1.0
207	Woven fabrics, cellulosic, wholly made of non-continuous fibers	syd.	1.0
208	Woven fabrics, other, wholly of continuous man-made fiber	syd.	1.0
209	Woven fabrics, other, wholly of non-continuous fibers	syd.	1.0
210	Woven fabrics, other of man-made fibers	syd.	1.0
211	Knit fabrics	lb.	7.8
212	Pile and tufted fabrics	syd.	1.0
213	Specialty fabrics	lb.	7.8
214	Gloves and mittens, knit, whether or not ornamented	dpr.	3.53
215	Hosiery	dpr.	4.6
216	Dresses, knit	doz.	45.3
217	Pajamas and other nightwear, knit	doz.	51.96
218	T-shirts, knit	doz.	7.24
219	Shirts, other (including blouses), knit	doz.	18.36
220	Skirts, knit	doz.	17.8
221	Sweaters and cardigans, knit	doz.	36.8
222	Trousers, slacks and shorts, knit, women's, girls' and infants'	doz.	17.8
223	Underwear, knit	doz.	16.0
224	Other wearing apparel, knit, whether or not ornamented	lb.	7.8
225	Body-supporting garments	doz.	4.75
226	Handkerchiefs	doz.	1.66
227	Mufflers, scarves and shawls, not knit	lb.	7.8
228	Blouses, not knit	doz.	14.53
229	Coats, not knit	doz.	41.25
230	Dresses, not knit	doz.	45.3
231	Dressing gowns, including bathrobes and beachrobes, not knit	doz.	51.0
232	Pajamas and other nightwear, not knit	doz.	51.96
233	Playsuits, sunsuits, washsuits, etc., not knit	doz.	21.3
234	Dress shirts, not knit	doz.	22.19
235	Shirts, other, not knit	doz.	24.46
236	Skirts, not knit	doz.	17.8

Category	Description	Unit	Conversion Factor
237	Suits, not knit	no.	4.5
238	Trousers, slacks and shorts, not knit	doz.	17.8
239	Underwear, not knit	doz.	16.0
240	Other wearing apparel, not knit, whether or not ornamented	lb.	7.8
241	Floor coverings	sft.	0.11
242	Other furnishings	lb.	7.8
243	Manufactures, n.e.s., of man-made fiber	lb.	7.8

II

[TRADUCTION — TRANSLATION]

*L'Ambassadeur des Etats-Unis d'Amérique au Secrétaire d'Etat
aux affaires étrangères d'Haïti*

AMBASSADE DES ÉTATS-UNIS D'AMÉRIQUE
PORT-AU-PRINCE

22 mars 1976

N° 62

Monsieur le Secrétaire d'Etat,

[*Voir note II*]

Si la proposition qui précède rencontre l'agrément du Gouvernement de la République d'Haïti, cette note et votre note d'acceptation au nom du Gouvernement de la République d'Haïti constitueront un accord entre le Gouvernement de la République d'Haïti et le Gouvernement des Etats-Unis d'Amérique.

Veuillez agréer, etc.

[*Signé*]

HEYWARD ISHAM
Ambassadeur

Son Excellence Monsieur Edner Brutus
Secrétaire d'Etat aux affaires étrangères
Port-au-Prince

RÉPUBLIQUE D'HAÏTI
DÉPARTEMENT DES AFFAIRES ÉTRANGÈRES

Port-au-Prince, le 23 mars 1976

SG/CG : 379

Monsieur l'Ambassadeur,

J'ai l'honneur de vous accuser réception de la lettre n° 62 du 22 mars 1976 libellée comme suit :