

No. 15916

**UNITED STATES OF AMERICA
and
NICARAGUA**

**Exchange of notes constituting an agreement relating to the
importation of meat. Managua, 26 April and 13 May
1976**

Authentic texts: English and Spanish.

Registered by the United States of America on 2 September 1977.

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

**Échange de notes constituant un accord relatif à l'importa-
tion de viandes. Managua, 26 avril et 13 mai 1976**

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 2 septembre 1977.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND NICARAGUA RELATING TO THE IMPORTATION OF MEAT

I

EMBASSY OF THE UNITED STATES OF AMERICA

Managua, D.N., April 26, 1976

Note No. 25

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 1976 and to the agreements between the United States and other countries, constituting the 1975 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 1976 with Governments of other countries that participated in the 1975 restraint program and which continue to export substantial quantities of meat to the United States, I have 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 1976 from countries participating in the restraint program shall be 1,155.0 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 the quantity of such meats exported from Nicaragua as direct shipments on a through bill of lading to the United States in such a manner that the quantity entered, or withdrawn from warehouse, for consumption during the calendar year 1976 does not exceed 48.9 million pounds, or such higher figures as may result from adjustments pursuant to paragraph 4.

3. The Government of the United States of America may limit to 48.9 million pounds the quantity of 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, with respect to imports which are direct shipments from Nicaragua: (a) such regulations shall not be employed to govern the timing within calendar year 1976 of entry or withdrawal from warehouse for consumption of such meat from Nicaragua; and (b) such regulations shall be issued after consultation with the Government of Nicaragua pursuant to paragraph 5 and only in circumstances where it is evident that the quantity of such meat likely to be presented for entry or withdrawal from warehouse for consumption in the calendar year 1976 will exceed the quantity specified in paragraph 2. It is understood that U.S. Customs statistics of entries, or withdrawals from warehouse, for consumption will be used for purposes of this Agreement. Such statistics shall not include meats which have been refused entry because of failure to meet appropriate standards prescribed pur-

¹ Came into force on 13 May 1976, the date of the note in reply, in accordance with the provisions of the said notes.

suant to the Federal Meat Inspection Act, as amended, and such meats will not be regarded as part of the quantity described in paragraph 2.

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 1976 from countries participating in the restraint program or may allocate any estimated shortfall 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 48.9 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 1976. The foregoing allocation procedure shall not apply to any increase in the estimate of imports from countries not participating in the 1976 restraint program.

5. 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 any increase in the total quantity of imports from Nicaragua permissible under the restraint program including allocation of any shortfall.

6. 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 June 30, 1972, or the calendar years of 1975 and 1976, except by the agreement of the Government of Nicaragua.

7. (A) To enable both Governments to follow progress under this Agreement, the Government of the United States of America shall provide to the Government of Nicaragua as soon as possible after the end of each week customs statistical information concerning imports of such meats from all supplying countries.

(B) As soon as possible after the end of each month the Government of Nicaragua shall provide to the Government of the United States of America details of scheduled arrivals to December 31, 1976, ship by ship and port by port, based on actual loadings in Nicaragua.

I have the honor to propose that, if the foregoing is acceptable to the Government of Nicaragua, this Note together with Your Excellency's confirmatory reply 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.

[Signed]

JAMES D. THEBERGE
American Ambassador

His Excellency Alejandro Montiel Argüello
Minister of Foreign Relations
Managua, D.N.

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

[Signed — Signé]¹

Excelentísimo Señor James D. Theberge
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América
Managua, D.N.

[TRANSLATION² — TRADUCTION³]

*The Nicaraguan Acting Minister of Foreign Relations
to the American Ambassador*

REPUBLIC OF NICARAGUA
MINISTRY OF FOREIGN RELATIONS
GENERAL SECRETARIAT
Diplomatic Section

Managua, D.N., May 13, 1976

Ms. No. 035

Mr. Ambassador:

I have the honor to acknowledge receipt of Your Excellency's note No. 25 of April 26, 1976, in which you propose that our two Governments enter into an agreement through an exchange of notes about the importation of meat into the United States of America in conformity with the stipulations in your aforesaid note, which in Spanish translation reads as follows:

[See note I]

I reply I take pleasure in informing Your Excellency that the foregoing terms are acceptable to my Government and your note and the Foreign Ministry's reply shall constitute an agreement between our two Governments which shall enter into force on this date.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

H. BODAN S.

His Excellency James D. Theberge
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Managua, D.N.

¹ Signed by H. Bodan S. — Signé par H. Bodan S.

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

³ Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.