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UNITED STATES OF AMERICA
and
HAITI

Exchange of notes constituting an agreement relating to the importation of meat. Port-au-Prince, 30 April and 29 June 1976

Authentic texts: English and French.
Registered by the United States of America on 2 September 1977.

ÉTATS-UNIS D'AMÉRIQUE
et
HAÏTI

Échange de notes constituant un accord relatif à l'importation de viandes. Port-au-Prince, 30 avril et 29 juin 1976

Textes authentiques : anglais et français.
Enregistré par les États-Unis d'Amérique le 2 septembre 1977.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT[1] BETWEEN THE UNITED STATES OF AMERICA AND HAITI RELATING TO THE IMPORTATION OF MEAT

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD[1] ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET HAÏTI RELATIF À L'IMPORTATION DE VIANDES

I

EMBASSY OF THE UNITED STATES OF AMERICA

Port-au-Prince, April 30, 1976

No. 95

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 the Republic of Haiti 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 the Republic of Haiti shall limit the quantity of such meats exported from the Republic of Haiti 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 1.9 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 1.9 million pounds the quantity of imports of such meats of Haitian 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 Haiti: (*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 Haiti; and (*b*) Such regulations shall be issued after consultation with the Government of Haiti 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

[1] Came into force on 29 June 1976, the date of the note in reply, in accordance with the provisions of the said notes.

[1] Entré en vigueur le 29 juin 1976, date de la note de réponse, conformément aux dispositions desdites notes.

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 pursuant 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 the Republic of Haiti, such increase or estimated shortfall shall be allocated to the Republic of Haiti in the proportion that 1.9 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 the Republic of Haiti 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 the Republic of Haiti 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 the Republic of Haiti shall not include the period between October 1, 1968, and June 30, 1972, or the calendar years 1975 and 1976, except by the agreement of the Government of the Republic of Haiti.

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 the Republic of Haiti 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 the Republic of Haiti 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 the Republic of Haiti.

I have the honor to propose that, if the foregoing is acceptable to the Government of the Republic of Haiti, 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*]

HEYWARD ISHAM
Ambassador

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

«7. A) Afin de permettre aux deux Gouvernements de suivre la mise en œuvre des dispositions du présent Accord, le Gouvernement des Etats-Unis d'Amérique fera parvenir au Gouvernement de la République d'Haïti dès que possible après la fin de chaque semaine les renseignements statistiques concernant les importations de telles viandes en provenance de tous les pays fournisseurs.

«8. B) Dès que possible, à la fin de chaque mois, le Gouvernement de la République d'Haïti fournira au Gouvernement des Etats-Unis d'Amérique le détail des arrivées de navires prévues jusqu'au 31 décembre 1976, par navire et par port d'entrée, en se fondant sur les chargements effectués en Haïti.»

Le Gouvernement de la République d'Haïti déclare accepter les propositions formulées aux paragraphes 1 à 7 ci-dessus. Votre lettre n° 95 du 30 avril 1976 et ma lettre de réponse constituent un accord, par échange de notes, entre nos deux Gouvernements sur cette question. Cet accord entrera en vigueur à la date de cette présente note.

Je saisis cette occasion pour vous renouveler, Monsieur l'Ambassadeur, les assurances de ma très haute considération.

[*Signé*]

AURÉLIEN C. JEANTY
Secrétaire d'Etat a.i.

Son Excellence Monsieur Heyward Isham
Ambassadeur
Ambassade des Etats-Unis d'Amérique
Port-au-Prince

[TRANSLATION[1] — TRADUCTION[2]]

REPUBLIC OF HAITI
DEPARTMENT OF FOREIGN AFFAIRS

Port-au-Prince, June 29, 1976

No. EC/AC/267

Mr. Ambassador:

I have the honor to acknowledge receipt of your note No. 95 of April 30, 1976, worded as follows:

[*See note I*]

The Government of the Republic of Haiti hereby accepts the proposals formulated in paragraphs 1 to 7 above. Your note No. 95 of April 30, 1976, and my reply thereto constitute an agreement, by exchange of notes, between our two Governments on this question. This agreement shall enter into force on the date of this note.

[1] Translation supplied by the Government of the United States of America
[2] Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.

I avail myself of this occasion to renew to you, Mr. Ambassador, the assurances of my very high consideration.

[*Signed*]

AURÉLIEN C. JEANTY
Secretary of State a.i.

His Excellency Heyward Isham
Ambassador of the United States of America
Port-au-Prince