

No. 16032

**UNITED STATES OF AMERICA
and
COSTA RICA**

**Exchange of notes constituting an agreement relating to
trade in meat. San José, 23 April and 6 August 1976**

Authentic texts: English and Spanish.

Registered by the United States of America on 29 November 1977.

**ÉTATS-UNIS D'AMÉRIQUE
et
COSTA RICA**

**Échange de notes constituant un accord relatif au commerce
de la viande. San José, 23 avril et 6 août 1976**

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 29 novembre 1977.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND COSTA RICA RELATING TO TRADE IN MEAT

I

The American Ambassador to the Costa Rican Minister of Foreign Relations

San José, April 23, 1976

No. 64

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 Costa Rica 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 Costa Rica shall limit the quantity of such meats exported from Costa Rica as direct shipments on a Through Bill of Lading to the United States in such a manner that the quantity entered, or withdrawn from warehouse, for consumption during the calendar year 1976 does not exceed 53.7 million pounds, or such higher figures as may result from adjustments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 53.7 million pounds the quantity of imports of such meats of Costa Rican 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 Costa Rica: (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 Costa Rica; and (B) such regulations shall be issued after consultation with the Government of Costa Rica pursuant to paragraph 5 and only in circumstances where it is evident that the quantity of such meat likely to be presented

¹ Came into force on 6 August 1976, the date of the note in reply, in accordance with the provisions of the said notes.

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 United States 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 Costa Rica, such increase or estimated shortfall shall be allocated to Costa Rica in the proportion that 53.7 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 Costa Rica 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 Costa Rica 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 Costa Rica 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 Costa Rica.

7. To enable both Governments to follow progress under this Agreement, the Government of the United States of America shall provide to the Government of Costa Rica as soon as possible after the end of each week Customs statistical information concerning imports of such meats from all supplying countries. As soon as possible after the end of each month the Government of Costa Rica 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 Costa Rica.

I have the honor to propose that, if the foregoing is acceptable to the Government of Costa Rica, 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 and most distinguished consideration.

TERENCE A. TODMAN

Aprovecho la oportunidad para reiterar al Excelentísimo señor Embajador las seguridades de mi distinguida consideración.

[Signed — Signé]

GONZALO J. FACIO
Ministro de Relaciones Exteriores

Excelentísimo Señor Terence A. Todman
Embajador de los Estados Unidos de América
Ciudad

[TRANSLATION¹ — TRADUCTION²]

REPUBLIC OF COSTA RICA
MINISTRY OF FOREIGN RELATIONS AND WORSHIP

Office of the Director General of Foreign Policy

San José, August 6, 1976

No. 82 820 PE

Excellency:

I have the honor to reply to Your Excellency's note No. 64 of April 23, 1976, which reads as follows:

[See note I]

I am pleased to inform you that the Government of Costa Rica is in agreement with the proposal transcribed above. Accordingly, Your Excellency's note and this one shall constitute an agreement between our two Governments which shall enter into force on today's date.

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

[Signed]

GONZALO J. FACIO
Minister of Foreign Relations

His Excellency Terence A. Todman
Ambassador of the United States of America
San José

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

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