

No. 16560

**UNITED STATES OF AMERICA
and
MEXICO**

Memorandum of understanding relating to plant protection. Signed at Mexico City on 8 February 1973

Amendment to the above-mentioned Memorandum of understanding. Signed at Washington on 10 September 1973 and at Mexico City on 9 October 1973

Amendment No. 2 to the above-mentioned Memorandum of understanding of 8 February 1973, as amended. Signed at Washington on 15 July 1976 and at Mexico City on 24 July 1976

Authentic texts of Memorandum and first amending Agreement: English and Spanish.

Authentic text of second amending Agreement: English.

Registered by the United States of America on 27 April 1978.

MEMORANDUM OF UNDERSTANDING¹ BETWEEN SECRETARÍA DE AGRICULTURA Y GANADERÍA DE MÉXICO, DIRECCIÓN GENERAL DE SANIDAD VEGETAL, AND UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE, PLANT PROTECTION AND QUARANTINE, RELATIVE TO COOPERATIVE EFFORTS TO PROTECT CROPS FROM PLANT PEST DAMAGE AND PLANT DISEASES IN THE REPUBLIC OF MEXICO AND THE UNITED STATES OF AMERICA THROUGH THE EXECUTION OF COOPERATIVE PROGRAMS

The purpose of this Memorandum of Understanding is to plan and execute measures directed toward preventing, controlling and/or eradicating plant pests and diseases of economic importance which affect or threaten crops and harvests in Mexico and the United States of America as well as to prevent their dissemination by all possible means.

The United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, hereinafter called the Service, and the Secretaría de Agricultura y Ganadería de México through the Dirección General de Sanidad Vegetal, hereinafter called Sanidad Vegetal, shall apply and accomplish this agreement in accordance with the laws of each country and for the general benefit of the people of Mexico and the United States.

A. The Sanidad Vegetal agrees:

1. To act in preventing, controlling and/or eradicating plant pests and diseases in Mexico in accordance with the powers which the Secretaría de Agricultura y Ganadería de México, the law of the Secretaría de Estado, the law of Plant and Animal Health, the regulations of the Agricultural Sanitary Police and all the legal regulations in effect grant. It shall meet with representatives of the Service on the development of cooperative programs of mutual interest discussed and approved by the authorized representatives of both countries.
2. For the better development of the approved cooperative programs, Sanidad Vegetal will reinforce its inspection service personnel, with the purpose of correctly applying the applicable quarantines, and, when deemed necessary, will authorize the personnel of the Service to collaborate in the planning and execution of these quarantines.
3. To develop the necessary technical activities to assure the success of controlling and/or eradicating plant pests and diseases included in the cooperative programs, utilizing available funds.
4. To provide all the administrative conveniences that are required for the temporary assignment or use in Mexico of technical personnel, equipment, instruments and substances to be used in the development of these authorized programs.
5. To permit the joint payment of salaries or other compensation to its personnel by the Service only in exceptional cases as mutually agreed upon.

¹ Came into force on 8 February 1973 by signature, in accordance with paragraph C, 11.

B. The Service agrees:

1. To cooperate in preventing, controlling and/or eradicating plant pests and diseases in accordance with work plans mutually agreed upon based on the authority included in the statute establishing the United States Department of Agriculture and related acts, regulations and annual appropriations acts providing funds for the activities of the Service.
2. To provide collaboration in the quarantine works in Mexico in accordance with the work plans mutually agreed upon by authorized representatives of both countries.
3. To provide employees as mutually agreed upon to cooperate with Sanidad Vegetal in preventing, controlling and/or eradicating plant pests and diseases in the cooperative programs or in case of emergency when a harmful biological agent threatens the crops of both countries, in accordance with authority granted by Congress and the United States Department of Agriculture.
4. To continue, in mutual agreement with Sanidad Vegetal, studies regarding new and improved techniques and procedures which might be used for preventing, controlling and/or eradicating plant pests and diseases.
5. To request from Sanidad Vegetal the necessary permits for the temporary use or assignment in Mexico of private company contractors, personnel, equipment, materials, substances, etc. that are necessary for the execution of the cooperative programs.
6. To make joint payment of salaries or other compensations to the personnel of Sanidad Vegetal only in exceptional cases as mutually agreed upon.

C. It is mutually understood and agreed that:

1. The joint planning of the cooperative programs developed on the basis of this agreement, and the approved work plans and procedures will be subject to revision, as mutually agreed upon, as work progresses and experience justifies modification. The two cooperating parties will have copies of these plans, as may be requested.
2. Each of the cooperating parties will prepare periodic reports, as mutually agreed upon, on the accomplishments of the cooperative programs, in accordance with its regulations and will send a copy to the other party.
3. Either party shall be free to use any results obtained in the cooperative programs with the prior approval of the other party. Publications will require prior approval and may be jointly or separately published; in either case, credit will be given to the cooperation and to the persons who performed the work.
4. The results and experience derived from the cooperative programs may be used by either party in making recommendations to the proper authorities of either respective country in revising or modifying existing laws and regulations or to promulgate new laws and regulations to prevent, control and/or eradicate plant pests and diseases.
5. The responsibilities assumed by each of the cooperating parties are contingent upon funds being available from which the expenditures legally may be met.
6. This Memorandum of Understanding is to define in general terms the basis on which the parties concerned will cooperate, and does not constitute a financial obligation to serve as a basis for expenditures. Each party will handle and expend its own funds. Any and all expenditures from Federal funds in the Department of Agriculture made in conformity with the plans outlined in this Memo-

randum of Understanding must be in accord with Department Rules and Regulations in each instance based upon appropriate financial papers. Expenditures made by the Sanidad Vegetal will be in accord with its rules and regulations.

Funds of the cooperating party shall not be expended by a Federal employee, even though the cooperating party has no representatives stationed in the locality. In such instances, the Federal employee may handle the accounts but shall forward the vouchers to the disbursing agent of the cooperating party for payment. The cooperating party should not send checks payable to Federal employees or send them checks payable to "Cash" or "Bearer" for payment of local expenses.

7. The personnel of the Service shall remain under the administrative direction of the Service and will work cooperatively with the personnel of Sanidad Vegetal in the development of the cooperative programs. Personnel of Sanidad Vegetal shall remain under the administrative direction of Sanidad Vegetal.
8. Mexican citizens employed by the Service will be paid by the Service and will be subject to its rules, regulations and policies.
 - (a) Mexican citizen employees will be appointed under the authority of the U.S. Civil Service Commission, Rule 8.3, and shall be paid in accordance with the Mexican Pay Plan approved by the Service and established under Memorandum of Agreement, among the Departments of State, Defense, and Agriculture, USIA and AID, concerning joint compensation plans for local employees overseas. Said employees are subject to the Mexican Labor Laws, in accord with the United States Department of State Regulations applicable to the employment of Mexican Nationals.
 - (b) The number of hours per day and days per week to be worked by such employees and any annual or sick leave with pay granted shall be based on regulations of the Service and the approved Pay Plan. Sanidad Vegetal shall be kept informed.
 - (c) The selection of such personnel to be hired by the Service within the Republic of Mexico to work on preventing, controlling and/or eradicating programs of plant pests and diseases will be by mutual agreement with Sanidad Vegetal.
9. No member of or delegate to Congress or resident commissioner, and no officer, agent or employee of the United States Government, shall be admitted to any share or part of this agreement or to any benefit to arise therefrom.
10. An annual meeting will be held in which progress reports will be presented to the preventing, controlling and/or eradicating of plant pests and diseases included in the cooperative programs. The site of these meetings will be alternated. One year the meeting will be in the United States in a city near the border chosen by the Service and the following year it will be in Mexico in any city chosen by Sanidad Vegetal.
11. This Memorandum of Understanding shall become effective upon date of final signature and supersedes the one signed on May 10, 1957 and shall continue indefinitely but may be modified by mutual agreement between the parties in writing and may be discontinued at the request of either party. Requests for termina-

tion or any major change shall be submitted to the other party for consideration not less than ninety days in advance of the effective date requested for modification or termination.

Secretaría de Agricultura
y Ganadería de México,
Dirección General de Sanidad Vegetal:

B. ORTEGA C.
Director

United States Department
of Agriculture,
Animal and Plant Health
Inspection Service:

F. J. MULHERN
APHIS Administrator
México, DF, a 8 de febrero 1973¹
Date

¹ Mexico City, 8 February 1973.

AMENDMENT¹ TO MEMORANDUM OF UNDERSTANDING² BETWEEN SECRETARÍA DE AGRICULTURA Y GANADERÍA DE MÉXICO, DIRECCIÓN GENERAL DE SANIDAD VEGETAL, AND UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE, PLANT PROTECTION AND QUARANTINE

WHEREAS, a Memorandum of Understanding was entered into between Secretaría de Agricultura y Ganadería de México through the Dirección General de Sanidad Vegetal and United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, on February 8, 1973,² covering cooperative efforts to protect crops from plant pest damage and plant diseases in the Republic of Mexico and the United States of America through the execution of cooperative programs; and

WHEREAS, in order to avoid any possible misunderstanding, it is agreed that paragraph A,2, of said Memorandum of Understanding is amended to read as follows:

A. The Sanidad Vegetal agrees:

2. For the better development of the approved cooperative programs, Sanidad Vegetal will reinforce its inspection service personnel, with the purpose of correctly applying the applicable quarantines, and will authorize personnel of the Service under the direction and the general supervision of Sanidad Vegetal to assist Sanidad Vegetal in work activities on the cooperative programs which may be associated with quarantines.

It is further mutually understood by and between the parties hereto that in all other respects the terms, conditions, and provisions of said Memorandum of Understanding shall be and remain in full force and effect as therein provided.

The parties agree that this amendment shall become effective upon date of final signature.

Secretaría de Agricultura
y Ganadería de México,
Dirección General de Sanidad Vegetal:

B. ORTEGA C.
Director
Oct. 9, 1973

United States Department
of Agriculture,
Animal and Plant Health
Inspection Service:

F. J. MULHERN
Administrator
Sept. 10, 1973
Date

¹ Came into force on 9 October 1973 by signature, in accordance with its provisions.

² See p. 178 of this volume.

AMENDMENT NO. 2¹ TO MEMORANDUM OF UNDERSTANDING²
BETWEEN SECRETARÍA DE AGRICULTURA Y GANADERÍA
DE MÉXICO, DIRECCIÓN GENERAL DE SANIDAD VEGETAL,
AND UNITED STATES DEPARTMENT OF AGRICULTURE, ANI-
MAL AND PLANT HEALTH INSPECTION SERVICE, PLANT
PROTECTION AND QUARANTINE PROGRAMS

WHEREAS, a Memorandum of Understanding was entered into between Secretaría de Agricultura y Ganadería de México through the Dirección General de Sanidad Vegetal and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, on February 8, 1973,² covering cooperative efforts to protect crops from plant pest damage and plant diseases in the Republic of Mexico and the United States of America through the execution of cooperative programs; and

WHEREAS, it is desirable to work in concert to halt the further northward spread in Central America of the dangerous Mediterranean fruit fly; and

WHEREAS, it is desirable to establish conformity in cooperative service and other U.S. Government programs in Mexico and expedite the delivery of goods and services needed by Service personnel in the conduct of such programs, it is mutually agreed that paragraphs A,4, and B,7, of said Memorandum of Understanding, as amended, be amended to read as follows:

A.4. The Sanidad Vegetal Agrees:

To afford all exemptions provided in Article III (2) and IV (2) of the 1942 Consular Convention between Mexico and the United States.³

B.7. The Service Agrees:

Subject to the provisions of a bilateral agreement between the Service and the Ministerio de Agricultura de Guatemala and in accordance with a mutually agreed to work plan to cooperate with Sanidad Vegetal in Mexico and in Guatemala through Sanidad Vegetal with the Joint Mexico-Guatemala Commission for Prevention and Control of the Mediterranean fruit fly in actions to detect, quarantine, and control/eradicate this dangerous pest.

It is further mutually understood by and between the parties hereto that in all other respects the terms, conditions, and provisions of said Memorandum of Understanding shall be and remain in full force and effect as therein provided.

¹ Came into force on 24 July 1976 by signature, in accordance with its provisions.

² See p. 178 and 186 of this volume.

³ United Nations, *Treaty Series*, vol. 125, p. 301.

The parties hereto agree that this amendment shall become effective upon date of final signature.

Secretaría de Agricultura y Ganadería de México,
Dirección General de Sanidad Vegetal:

B. ORTEGA C.
July 24, 1976
Date

United States Department of Agriculture,
Animal and Plant Health Inspection Service:

F. J. MULHERN
Administrator
July 15, 1976
Date
