

No. 19235

**UNITED STATES OF AMERICA
and
NICARAGUA**

**Exchange of notes constituting an agreement relating to
trade in meat imports. Washington, 11 and 16 January
1979**

Authentic text: English.

Registered by the United States of America on 7 November 1980.

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

**Échange de notes constituant un accord relatif à l'impor-
tation de viande. Washington, 11 et 16 janvier 1979**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 7 novembre 1980.

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

I

The Secretary of State to the Nicaraguan Ambassador

January 11, 1979

Excellency:

I have the honor to refer to discussions among representatives of our two governments and other governments relating to the importation into the United States for consumption of meats described below in paragraph 1 during calendar year 1979. With the understanding that similar agreements also will be concluded for the calendar year 1979 with governments of other countries which export substantial quantities of meat to the United States, I have the honor to propose the following agreement between our two governments:

1. For purposes of this agreement, the term "such meats" shall mean fresh, chilled or frozen cattle meat (item 106.10 of the Tariff Schedules of the United States), fresh, chilled or frozen meat of goats and sheep, except lambs (item 106.20 of the Tariff Schedules of the United States), and meats which, but for processing in foreign-trade zones, territories or possessions of the United States prior to entry, or withdrawal from warehouse, for consumption in United States Customs Territory, would fall within the above descriptions (and items of the Tariff Schedules of the United States) upon such entry, or withdrawal from warehouse, for consumption.

2. This agreement, together with similar agreements with other countries which export to the United States substantial quantities of such meats, shall constitute the 1979 restraint program. Subject to paragraph 6, the permissible total quantity of imports of such meats into the United States for consumption during calendar year 1979 from countries party to the 1979 restraint program shall be 1477.4 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 pursuant to the 1979 restraint program.

3. The Government of Nicaragua shall limit the quantity of such meats exported from Nicaragua as direct shipments or on a through bill of lading to the United States in such a manner that the quantity of such meats entered, or withdrawn from warehouse, for consumption in United States Customs Territory during the calendar year 1979 does not exceed 62.6 million pounds, or such greater quantity as may result from adjustments pursuant to paragraph 6.

4. The Government of the United States of America may issue regulations limiting to 62.6 million pounds, or such greater quantity as may result from adjustments pursuant to paragraph 6, the quantity of such meats from Nicaragua which, during calendar year 1979, may be entered, or withdrawn from warehouse, for consumption, whether such meats were shipped directly or indirectly, provided that (a) such regulations shall not be employed to govern spacing within calendar year 1979 of entry, or withdrawal from warehouse, for consumption of such meat from Nicaragua

¹ Came into force on 16 January 1979, the date of the note in reply, with retroactive effect from 1 January 1979, in accordance with the provisions of the said notes.

unless otherwise agreed; and (b) such regulations shall be issued after consultation pursuant to paragraph 7. It is understood that United States Customs statistics of entries, or withdrawal 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 those meats will not be regarded as part of the quantity described in paragraph 3, as it may be increased pursuant to paragraph 6.

5. The Government of the United States of America may take appropriate steps to ensure that imports of such meats into the United States for consumption from countries not party to the 1979 restraint program do not disrupt the 1979 restraint program.

6. 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 1979 from countries party to the 1979 restraint program or may re-allocate any estimated shortfall in a share of the restraint program quantity or in the initial estimates of imports from countries not party to the 1979 restraint program. If no shortfall is estimated for Nicaragua such increases or estimated shortfall as may be available shall be allocated to Nicaragua in the proportion that 62.6 million pounds bears to the total initial shares from all countries party to the 1979 restraint program which are estimated to have no shortfall for the calendar year 1979. In determining the amount available for re-allocation pursuant to this paragraph, the Government of the United States of America may take into account any increase in its initial estimates of imports from countries not party to the restraint program.

7. 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.

8. 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 1975, 1976, 1977, 1978 and 1979 except by the agreement of the Government of Nicaragua.

9. (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, 1979, 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 and 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 assurance of my highest consideration.

For the Secretary of State:
STEPHEN W. BOSWORTH

His Excellency Dr. Guillermo Sevilla Sacasa
Ambassador of Nicaragua

II

EMBAJADA DE NICARAGUA¹
WASHINGTON, D.C.

January 16, 1979

SD-CH-7

Excellency:

I have the honor to acknowledge receipt of Your Excellency's note of January 11, relating to the importation into the United States for consumption of meats, and stating the conditions under which this importation shall be carried out.

The Government of Nicaragua is in complete agreement with the conditions set forth in Your Excellency's note in regard to the importation of meats into the United States of America.

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

[Signed]
GUILLERMO SEVILLA SACASA
Ambassador of Nicaragua

His Excellency Cyrus R. Vance
The Secretary of State
Washington, D.C.

¹ Embassy of Nicaragua.