

**No. 18563**

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**UNITED STATES OF AMERICA  
and  
NICARAGUA**

**Exchange of notes constituting an agreement relating to meat  
imports. Washington, 21 and 26 December 1977**

*Authentic text: English.*

*Registered by the United States of America on 18 April 1980.*

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

**Échange de notes constituant un accord relatif à l'impor-  
tation de viande. Washington, 21 et 26 décembre 1977**

*Texte authentique : anglais.*

*Enregistré par les États-Unis d'Amérique le 18 avril 1980.*

## EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND NICARAGUA RELATING TO MEAT IMPORTS

December 21, 1977

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 the calendar year 1978. With the understanding that similar agreements also will be concluded for calendar year 1978 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 1978 restraint program. Subject to paragraph 6, the permissible total quantity of imports of such meats into the United States for consumption during the calendar year 1978 from countries party to the 1978 restraint program shall be 1216.1 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 1978 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 1978 does not exceed 51.6 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 51.6 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 1978, 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 1978 of entry, or withdrawal from warehouse, for consumption of such meats from Nicaragua, 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 withdrawals from warehouse, for consumption, will be used for purposes of this agreement. Such statistics shall not

<sup>1</sup> Came into force on 26 December 1977, the date of the note in reply, with effect from 1 January 1978, in accordance with the provisions of the said notes.

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 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 into the United States for consumption from countries not party to the 1978 restraint program do not disrupt the 1978 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 1978 from countries party to the 1978 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 1978 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 51.6 million pounds bears to the total initial shares from all countries party to the 1978 restraint program which are estimated to have no shortfall for the calendar year 1978. 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 and 1978 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, 1978, 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 assurances of my highest consideration.

For the Secretary of State:  
JULIUS L. KATZ

His Excellency Dr. Guillermo Sevilla-Sacasa  
Ambassador of Nicaragua

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EMBAJADA DE NICARAGUA<sup>1</sup>  
WASHINGTON, D.C.

December 26, 1977

SD-CH-30

Excellency:

I have the honor to acknowledge receipt of Your Excellency's note of December 21 in which you transmit the text of the agreement which the Government of the United States would sign with Nicaragua with reference to the importation of meats into this country.

In this connection, I wish to inform Your Excellency that Nicaragua accepts the terms of this agreement for the purposes mentioned.

Accept, Excellency, the renewed assurances of my highest consideration.

[Signed]  
GUILLERMO SEVILLA-SACASA  
Ambassador of Nicaragua

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

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<sup>1</sup> Embassy of Nicaragua — Ambassade du Nicaragua.