ARRANGEMENT REGARDING INTERNATIONAL TRADE IN TEXTILES

Notification under Articles 7 and 8

Extension and amendment of the bilateral agreement between the United States and Nepal

Note by the Chairman

Attached is a notification received from the United States of a further amendment of its agreement with Nepal from 29 August 1990 and an extension of the agreement by the three-year period 1 January 1991 to 31 December 1993.

1The bilateral agreement and a previous amendment are contained in COM.TEX/SB/1179 and 1522.

* English only/Anglais seulement/Inglés solamente
March 18, 1991

The Honorable
Ambassador Marcelo Raffaelli
Chairman, Textiles Surveillance Body
GATT
Rue de Lausanne 154
1211 Geneva

Dear Ambassador Raffaelli:

Pursuant to the provisions of Article 7 and 8 of the Arrangement Regarding International Trade in Textiles, I am instructed by my government to inform the Textiles Surveillance Body of the amendment and extension of the bilateral textile agreement between the Government of the United States of America and the Government of Nepal. Copies of the notes giving effect to this amendment are enclosed.

Sincerely,

Robert E. Shepherd
Minister Counselor

Enclosure
UNITED STATES AND NEPAL AMEND
BILATERAL TEXTILE AGREEMENT
BY EXCHANGE OF NOTES ON NOVEMBER 19, 1990
AND NOVEMBER 28, 1990

The United States and Nepal amended their bilateral textile agreement. Texts of the notes follow:

UNITED STATES NOTE

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of Nepal and has the honor to refer to the bilateral textile agreement between the Government of the United States and the Government of Nepal effected by an exchange of notes in Kathmandu dated May 30, 1986 and June 1, 1986, as amended and extended. The Embassy has the further honor to refer to consultations held November 5 through 7, 1990 in Washington, D.C.

During the consultations referred to above, ad referendum agreement was reached on several issues as reflected in a Memorandum of Understanding signed by both heads of delegation on November 7, 1990. The full text of that Memorandum of Understanding is an attachment to this note.

Embassy of the United States of America,
Kathmandu, November 19, 1990.

For more information contact:
Samuel Keller
EB/TDC/MTA/TEX
Rm. 3336
(202)-647-2363
The Embassy now proposes that both Governments agree to the provisions of the Memorandum of Understanding. If this is acceptable to the Government of Nepal, this note and a note of confirmation from the Government of Nepal shall constitute an agreement between the two Governments.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of His Majesty's Government of Nepal the assurances of its highest consideration.
MEMORANDUM OF UNDERSTANDING

Representatives of His Majesty's Government of Nepal and of the United States of America met in Washington November 5-7, 1990 to discuss bilateral textile trade issues, and agreed to the following:

1) NEW SPECIFIC LIMITS

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ADJUSTED EXISTING SPECIFIC LIMITS

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The new specific limits shall receive flexibility as provided for under the agreement.

2) The following paragraphs shall be added to the agreement:

A. Officials of the United States and Nepal shall cooperate with each other, subject to their domestic laws and regulations, in preventing circumvention of this agreement, especially in curbing fraudulent practices in transshipment, rerouting, false description, false invoicing or other methods. Both sides shall further assist each other in exchanging relevant documents, reports and other information and shall facilitate other measures needed to ascertain facts related to suspected circumventions of this agreement.
B. Both sides further agree that investigations undertaken at the request of either the United States or Nepal shall be conducted as soon as conveniently possible.

C. Where information available to authorities in Nepal or the United States, as a result of investigations, constitutes evidence that products subject to this agreement are falsely invoiced or traded in circumvention of this agreement, either government may request consultations, with a view to invoke penalties beyond equivalent adjustments of the corresponding agreed levels established under this agreement, as appropriate. Such consultations shall take place and be conducted within 120 days of such request.

3) The visa arrangement shall be amended to include coverage of man-made fiber textiles and apparel products (Categories 600-670), effective January 1, 1991.

4) This memorandum of understanding shall take effect upon exchange of notes between the two governments.

SIGNED
Dr. N.R. Sharma
For His Majesty's
Government of Nepal

SIGNED
Jon Rosenbaum
For the Government of the United States of America

Washington, D.C.
November 7, 1990
The Ministry of Foreign Affairs, His Majesty's Government of Nepal presents its compliments to the Embassy of the United States of America in Kathmandu and with reference to their Note No. 153, dated November 19, 1990, regarding a memorandum of understanding signed by both heads of delegation of Nepal and the U.S.A. on November 7, 1990, has the honour to inform the Embassy that the provisions of the memorandum of understanding is acceptable to His Majesty's Government of Nepal and this Note and the above note of the Embassy shall constitute an agreement between the two Governments.

The Ministry of Foreign Affairs, His Majesty's Government of Nepal avails itself of this opportunity to renew to the Embassy of the United States of America, the assurances of its highest consideration.

November 28, 1990

To
The Embassy of the United States of America
Kathmandu
Nepal.